

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

SCOTT ALLEN TOMEI,

Plaintiff,

v.

PARKWEST MEDICAL CENTER
and COVENANT HEALTH,

Defendants.

No. 3:19-cv-00041

* * * * *

DEPOSITION OF SCOTT TOMEI
(Interpreted Deposition)

December 16, 2019

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1	I N D E X		
2	EXAMINATION BY		PAGE
3	Mr. Young		6
4			
5	NO.	INDEX OF EXHIBITS	PAGE
6			
7	Exhibit 1	Emergency Sign-In Sheet, 10-24-2017	69
8	Exhibit 2	Admission Agreement	83
9	Exhibit 3	Independent Contractor Status Document	88
10			
11	Exhibit 4	Patient Rights Document	88
12	Exhibit 5	Communication Assessment and Right to Interpreter for Hearing Impaired Document	95
13			
14	Exhibit 6	Computed Tomography Worksheet	96
15	Exhibit 7	Handwritten Document	99
16	Exhibit 8	External Transfer Form	101
17	Exhibit 9	Special Consent to Operation or Other Procedure	110
18			
19	Exhibit 10	Photograph of VRI Machine	114
20	Exhibit 11	Discharge Instructions, Pages 218 through 223	154
21	Exhibit 12	Discharge Instructions, Pages 224 and 225	154
22			
23	Exhibit 13	Discharge Instructions, Page 259	154
24	Exhibit 14	Discharge Instructions, Pages 261 and 262	154
25			

1 D E P O S I T I O N,

2 The deposition of SCOTT TOMEI, taken at the
3 request of the Defendants, pursuant to the Federal
4 Rules of Civil Procedure, through the use of
5 interpreters, on the 16th day of December, 2019, at
6 the offices of Arnett, Draper & Hagood, Suite 2300,
7 First Tennessee Plaza, Knoxville, Tennessee, before
8 Jeffrey D. Rusk, Registered Professional Reporter
9 and Notary Public at Large for the State of
10 Tennessee.

11 It is agreed that the deposition may be
12 taken in machine shorthand by Jeffrey D. Rusk,
13 Registered Professional Reporter and Notary Public,
14 and that he may swear the witness and thereafter
15 transcribe his notes to typewriting and sign the
16 name of the witness thereto, and that all
17 formalities touching caption, certificate, filing,
18 transmission, etc., are expressly waived.

19 It is further agreed that all objections
20 except as to the form of the questions are reserved
21 to on or before the hearing.

22 SCOTT TOMEI,
23 called as a witness at the instance of the
24 Defendants, having been first duly sworn, was
25 examined and deposed as follows:

1 (Proceedings began at 9:11 a.m.)

2 MR. ROZYNSKI: If I'm talking to my
3 client directly, I just would like that to
4 be privileged during the deposition. If I'm
5 just speaking out on the record, of course,
6 you know, but any time I'm signing to my
7 client, I would ask that that not be
8 interpreted.

9 I can step out, if you would rather
10 I step out.

11 MR. YOUNG: There is a -- and I
12 don't have it with me. But there is an
13 order, a standing order from Judge Varlan in
14 our district, about communications with
15 clients.

16 MR. ROZYNSKI: While the deposition
17 starts?

18 MR. YOUNG: Yes, and even during
19 breaks.

20 MR. ROZYNSKI: I know. I know.

21 MR. YOUNG: But I think there's a
22 lunch break where you can talk to your
23 client or something like that, I think. So
24 it's not complete, but he does have it
25 fairly well defined.

1 MR. ROZYNSKI: Right. I was just
2 talking to him before the deposition
3 started.

4 MR. YOUNG: That's fine. That's
5 totally fine.

6 EXAMINATION

7 BY MR. YOUNG:

8 Q. Good morning, Mr. Tomei. We met
9 just a few minutes ago. My name is Broderick Young.
10 I am the attorney for the defendants in this case,
11 Parkwest and Covenant Health, along with Devin Lyon
12 who is also with me here today.

13 Have you ever given a deposition
14 before?

15 A. No.

16 Q. A deposition is very different from
17 a normal conversation.

18 Number one, everything you're
19 saying is under oath.

20 Do you know what that means?

21 A. Yes.

22 Q. And everything you're saying is
23 being transcribed by our court reporter here today.

24 A. Okay.

25 Q. And so it's important, so that we

1 have a clear transcript, that we follow a few
2 protocols to keep the record clear.

3 Number one, it's important for you
4 to wait for me to finish my question before you
5 start to answer.

6 Number two, it's important that you
7 let me know if I ask a question that doesn't make
8 sense to you or that you don't understand.

9 If you answer a question I give
10 you, I'm going to assume that you understand the
11 question that I've asked unless you tell me
12 otherwise.

13 Have you ever been in a lawsuit?

14 A. No. Never.

15 Q. Okay. Well, have you -- you have
16 been divorced; is that correct?

17 A. Yes.

18 Q. Okay. Well, we count that as a
19 lawsuit even though you are not really suing
20 someone.

21 A. I'm not sure I understand that.

22 Could you say that again, please?

23 Q. A divorce is technically a civil
24 action and it's technically a lawsuit.

25 So is it your testimony today that

1 other than your divorce that you have never been in
2 a legal action?

3 A. I'm trying to understand what you
4 are saying.

5 So the divorce -- a divorce is a
6 legal action. Can I have clarification, please?

7 Q. Okay. A divorce is a legal action.

8 A. Yes, I have been divorced.

9 Q. All right. Have you ever been in
10 court before for any reason other than your divorce?

11 A. Well, the divorce was signed and
12 then we went to court and they signed off on it, and
13 that's all.

14 Q. Outside of your divorce, have you
15 ever been in court for any other reason?

16 A. Just the divorce. That's it. The
17 divorce, that's all I can think of.

18 Q. Okay. Have you ever been arrested?

19 A. Yes.

20 Q. Okay. Tell me about that.

21 A. Well, what -- how is that connected
22 to Parkwest? I'm not exactly sure what that has to
23 do with this.

24 Q. This is your background information
25 and I'm allowed to go into that. It may end up

1 having nothing to do with this, but I'm allowed to
2 inquire to determine whether or not it may have
3 something to do with it.

4 A. Okay. Well, that's new to me. I
5 would think it would be unrelated to Parkwest and my
6 experience without having an interpreter, but okay.

7 Yes, I was arrested.

8 Q. Do you know why you were arrested?

9 A. It was all -- I'm not sure how to
10 spell it.

11 A-s-s-u-l-t-y, something like that.

12 Q. When did this happen?

13 A. Oh, gosh. A long time ago. A long
14 time ago.

15 Q. Did it happen here in Tennessee?

16 A. Yes.

17 Q. Did you go to jail?

18 A. Yes.

19 Q. Were you convicted of assault?

20 A. It was just waived.

21 Q. Okay. Do you know what county this
22 was?

23 A. It was in Loudon County.

24 Q. Do you have a driver's license?

25 A. Yes.

1 Q. May I see it?

2 A. (Witness compiles).

3 Q. Thank you.

4 Do you still live at the
5 128 Johnson Drive address?

6 A. Yes.

7 Q. Who do you live there with?

8 A. Mostly myself.

9 Q. Was there a period of time where
10 you were not living there within the last two years?

11 A. Well, two years ago I stayed with a
12 girlfriend and she helped me because of my leg.

13 Q. And what is her name?

14 A. P-e-i. Last name C-h-a-n-g.

15 Q. Are you still dating Ms. Chang?

16 A. Yes.

17 Q. Are you originally from California?

18 A. I was born in California, correct.

19 Q. When did you come to Tennessee?

20 A. May 2000.

21 Q. What brought you to Tennessee?

22 A. Because I lived in --

23 INTERPRETER: The interpreter is
24 asking for him to go back and begin his
25 answer again, because I missed the first

1 portion. I'm sorry.

2 The first part again?

3 A. I moved from California to
4 Tennessee.

5 Is that your question?

6 Q. **(BY MR. YOUNG) Why?**

7 A. Okay. Born in California, moved
8 to -- moved to North Carolina, moved to Georgia and
9 now Tennessee.

10 Q. **What was your reason for moving to**
11 **North Carolina?**

12 A. My dad and mom moved. So, of
13 course, I followed.

14 Q. **When -- how old were you when you**
15 **moved to North Carolina?**

16 A. I don't remember. Gosh, I was a
17 kid. I was just a little kid. Maybe three or four.
18 I have no idea.

19 Q. **When did you move to Georgia?**

20 A. Maybe 13, 14, give or take.

21 Q. **And then were you around 33 when**
22 **you moved the Tennessee, or how old were you when**
23 **you moved to Tennessee?**

24 A. Oh, gosh. I was in my 30's.

25 Q. Okay. Did you go to school in

1 Georgia?

2 A. Yes, I went to school in Georgia.

3 Q. Did you go to -- did you graduate
4 high school?

5 A. Yes.

6 Q. What was the name of your high
7 school down there in Georgia?

8 A. Georgia School for the Deaf.

9 Q. Did you go to any school after GSD?

10 A. Are you talking about college?
11 There was a small college that I
12 went to.

13 Q. Okay. What college was it?

14 A. Community.

15 INTERPRETER: The interpreter is
16 asking for clarification of what this C is.
17 What does this mean?

18 A. Charlotte. So this was in
19 North Carolina. Community Charlotte. Yes.
20 Community College with C -- I don't remember. It
21 was a community college. I'm not exactly sure of
22 the name of it.

23 Q. (BY MR. YOUNG) Okay. But it was in
24 Charlotte, North Carolina?

25 A. Correct.

1 Q. Was it a school tailored towards
2 hard of hearing?

3 A. It was for the general population.
4 Of course, there were a few deaf students there with
5 interpreters.

6 Q. Did you get a degree from there?

7 A. No.

8 Q. How long were you there for?

9 A. Oh, gosh, it was just a year.

10 Q. Did you ever go back to any type of
11 college?

12 A. No.

13 Q. What was your reason for leaving?

14 A. Well, I moved back to Georgia.

15 Q. Why did you move back to Georgia?

16 A. I had a job there.

17 Q. What kind of job was it?

18 A. I was making glass tubes.

19 Q. While you were at the community
20 college in Charlotte, did you have any trouble with
21 the coursework?

22 A. I struggled a bit.

23 Q. Were you able to pass your classes?

24 A. Yeah, some.

25 Q. Did you pass all of them or just

1 some of them?

2 A. I passed some classes.

3 Q. Okay. Do you have any memory of
4 which ones you passed?

5 A. What do you mean? Pass or fail,
6 what is that?

7 Q. Well, if you passed, you get credit
8 for the course. If you fail, you don't get credit.

9 A. Well, I passed some and failed
10 some.

11 Q. Okay. What I'm trying to find out
12 is which ones did you struggle with?

13 A. English.

14 Q. Why was English difficult?

15 A. Because sign language is my primary
16 language. English is my secondary language, so I
17 struggle with it.

18 Q. Were you able to read the
19 textbooks?

20 A. Some were easy for me to read and
21 understand. Some were not easy for me to read and
22 understand, but I did understand some. But anything
23 with big words or difficult sentences I struggled
24 with. I needed it in American Sign Language to
25 understand.

1 Q. What type of textbooks was he able
2 to read?

3 A. You mean text -- in 2019 text -- is
4 it text as in text messaging or textbooks as in
5 schoolbooks?

6 Q. Schoolbooks.

7 A. For example, something with a lot
8 of pictures, with a lot of expression and directions
9 contained within, I would understand that easiest.

10 Q. Have you ever read an English
11 language novel?

12 A. Yes, I wrote --

13 INTERPRETER: For the interpreter's
14 clarification, you wrote?

15 Please ask the question again. I
16 don't think the interpretation was clear and
17 I apologize.

18 Q. (BY MR. YOUNG) Have you ever read
19 an English language book?

20 A. I read books with like comics, and
21 I can read those. You know, action type things. I
22 forget what they are called. Not like a romance
23 novel or anything like that because I don't really
24 understand those.

25 Q. Can you read a newspaper?

1 A. I can read a newspaper and I watch
2 the news, and I look at the scores for -- mostly for
3 football, sports, things like that.

4 Q. Have you ever written -- let me
5 back up.

6 When you were in community college,
7 did you ever answer a test in English?

8 A. Yes.

9 Q. Have you ever written an essay in
10 English?

11 A. Yes.

12 Q. Was that for the community college?

13 A. No, it was for school. Like, you
14 know, what did I do after summer break. You know,
15 when you go back to school and the teacher says to
16 write an essay about what happened during summer
17 break, what did we do on summer vacation.

18 Q. Was this at GSD?

19 A. It was GSD.

20 Q. At GSD is part of the curriculum to
21 teach you the English language?

22 A. I believe so.

23 Q. Was GSD a four-year high school?

24 A. Four years.

25 Q. Before GSD, did you also go to a

1 school geared towards hard of hearing?

2 A. No, I went to public school.

3 Q. Okay. Were you able to pass your
4 classes in public school?

5 A. No. No. Some I passed. Some I
6 failed.

7 Q. And have you been to any vocational
8 schools?

9 A. Are you talking about like some
10 kind of shop or wood shop or something to that
11 effect?

12 Q. Some type of school after GSD
13 that's geared towards a particular trade.

14 A. That's not clear. I'm not sure
15 exactly what that is.

16 Q. Okay. Has he received any formal
17 training in any particular trade?

18 A. So trade, that's -- I'm not
19 sure what that is.

20 Q. Like a job, like a type of --

21 MR. ROZYNSKI: I think if you can
22 give examples of what a trade is that he
23 might understand. He's hung up on that
24 word.

25 Q. (BY MR. YOUNG) By trade I mean a

1 **job that requires special training.**

2 A. So you mean before I went to
3 school, like elementary or middle -- after I went to
4 elementary and middle school, I went to trade
5 school?

6 Q. **No. After.**

7 A. I don't understand what any of that
8 is.

9 Q. **Okay. My understanding is you**
10 **are -- you have been in the construction field.**

11 A. Yes.

12 Q. **Did you ever receive any special**
13 **training with regard to any type of construction you**
14 **performed?**

15 A. No.

16 Q. **Let me go back a little bit.**
17 **You left community college to go to**
18 **a job making glass tables?**

19 INTERPRETER: Did you say glass?

20 MR. YOUNG: Yes.

21 INTERPRETER: Glass what?

22 MR. YOUNG: Tables, I heard.

23 INTERPRETER: Glass tubes.

24 MR. YOUNG: Okay. I'm sorry. I
25 couldn't read my writing.

1 Q. (BY MR. YOUNG) Was that in a
2 factory?

3 A. Yes. We made glass tubes in a
4 factory a line, yes. They were tubes for AT&T and
5 then they were sent off somewhere.

6 Q. How long did you work that job?

7 A. I believe it was six or seven
8 years, give or take.

9 Q. What was the name of that company?

10 A. I'm going to spell it. H-e-r --
11 oh, if I can remember the name.

12 H-e-r-m-i-l, and then the last one
13 is A-m-e-r-i-c-a, I think. They stopped
14 manufacturing. They are out of business and they
15 have closed their doors.

16 Q. Okay.

17 A. And it was a German company and it
18 was -- it was in Georgia but a German company.

19 Q. All right. What was your reason
20 for leaving there?

21 A. They fired me.

22 Q. Okay. Do you know why you got
23 fired?

24 A. Because I messed up.

25 Q. Okay. How did you mess up?

1 A. Well, I damaged something.

2 Q. Okay. By accident?

3 A. Yeah, it was definitely a mistake.

4 Q. All right. It wasn't on purpose.

5 A. No.

6 Q. Okay. Did you stay in Georgia
7 after you were fired from Hermil America?

8 A. Yes, I was in Georgia.

9 Q. Did you go to work somewhere else
10 after that?

11 A. Well, after that job I worked for a
12 short time at -- it's spelled U-n-i-q-e. We were
13 making phone -- cell phone parts. We were making
14 cell phone parts that they put inside the cell
15 phone, and that was just temporary. I quit there
16 and then worked with my father.

17 Q. What business was your father in?

18 A. He was construction.

19 Q. Was that in Georgia?

20 A. Correct.

21 Q. Was anyone else in your family hard
22 of hearing?

23 A. No. I'm it.

24 MR. ROZYNSKI: I just want to make
25 sure that -- I know you are saying hard of

1 hearing, but it's being interpreted as deaf.

2 MR. YOUNG: I don't want to say
3 anything improper.

4 MR. ROZYNSKI: Deaf is the right
5 term.

6 MR. YOUNG: Okay. Deaf.

7 MR. ROZYNSKI: You can say deaf.

8 MR. YOUNG: I've heard this hard of
9 hearing term recently. I didn't know if
10 that's what people wanted it referred to.

11 So deaf is the right word?

12 MR. ROZYNSKI: Right. I just want
13 the record to be clear because you are
14 saying hard of hearing and it's being
15 interpreted as deaf and he's saying yes.
16 Him saying yes to hard of hearing could be a
17 distinctive term from deaf. I just wanted
18 to be sure.

19 MR. YOUNG: I very much appreciate
20 that.

21 When is the term hard of hearing
22 used?

23 MR. ROZYNSKI: I mean, there are
24 people that self identify as hard of
25 hearing, other people that are typically

1 maybe not using American Sign Language or
2 just have hearing loss, versus someone who
3 is deaf is typically someone who primarily
4 communicates in sign language who is
5 culturally deaf. That's a wide overview of
6 it, but --

7 MR. YOUNG: All right. I
8 appreciate that. Thank you.

9 MR. ROZYNSKI: I believe that
10 Mr. Tomei self identifies as a deaf person.

11 INTERPRETER: The interpreter says
12 thank you for clarifying that. I appreciate
13 it.

14 Q. (BY MR. YOUNG) All right. What
15 type of construction were you and your father
16 involved with?

17 A. Framing houses.

18 Q. How long did you work with your
19 father?

20 A. Let me figure it out.
21 About eight years.

22 Q. Eight years?

23 A. Yes.

24 Q. And where did you go after that?

25 A. Moved to Tennessee.

1 Q. What was your reason for moving to
2 Tennessee from Georgia?

3 A. Because my ex-wife wanted to live
4 near her mother in Tennessee.

5 Q. Was that your reason for leaving
6 employment with your father?

7 A. Because my ex-wife wanted to live
8 near her mother.

9 Q. Okay. And what is your ex-wife's
10 name?

11 A. Leigha, L-e-i-g-h-a.

12 Q. When did you get married to Leigha?

13 A. We married October the 2nd -- oh,
14 shame on me. '93. '94. I'm not sure. I don't
15 remember. That's all in the past.

16 Q. I understand.

17 Did you have any children with
18 Leigha?

19 A. Yes.

20 Q. How many?

21 A. Two.

22 Q. What are their names and ages?

23 A. My oldest daughter, her name is
24 T-a-l-a and she's 25. My son is Travis, and he's
25 23.

1 Q. Leigha's parents, where do they
2 live?

3 A. Tennessee. Here.

4 Q. Where in Tennessee?

5 A. Lenoir City.

6 Q. Do you remember when your divorce
7 was?

8 A. Between 2005 and 2008.

9 Q. Okay. Do either of your
10 children -- are either of your children deaf?

11 A. No.

12 Q. Do they have any type of hearing
13 loss?

14 A. Hearing loss, you said?

15 Q. Yes.

16 A. No.

17 Q. Does -- is Leigha Tomei deaf?

18 A. Yes.

19 Q. Does she wear hearing aids?

20 A. She has a cochlear implant.

21 Q. Is she able to speak English?

22 A. She can some. It depends. She can
23 speak English but understanding, sometimes things
24 have to be repeated multiple times. She's better
25 than I am in speaking English.

1 Q. Has she told you how much she can
2 understand in English with the cochlear implant?

3 A. No, she hasn't told me.

4 Q. How long has she had the implant?

5 A. I don't remember. I'm guessing
6 maybe seven years. I don't know.

7 Q. What does she --

8 A. No. Maybe ten years.

9 Q. Do you know why she got the
10 implant?

11 A. Because her mother begged her and
12 suggested that she get it.

13 Q. What -- does she work?

14 A. No.

15 Do you mean now?

16 Q. Now, yes.

17 A. No.

18 Q. Has she ever worked?

19 A. Before she worked, but she's not
20 working anymore right now.

21 Q. Where did she work before?

22 A. Food City.

23 Q. What did she do there?

24 A. I believe she worked in the bakery
25 or the deli, one of those two.

1 Q. Is there a reason why she's not
2 working now?

3 A. I don't know. She didn't tell me.
4 We are divorced. It's not my business. That's her
5 business.

6 Q. Okay. Did you meet your wife at
7 GSD?

8 A. No.

9 Q. Okay. But you met her in Georgia?

10 A. Yes.

11 Q. What does -- is Tala currently
12 working?

13 A. Yes.

14 Q. What does she do?

15 A. She's a waitress.

16 Q. Is she also in school?

17 A. Do you mean high school or college?

18 Q. College.

19 A. No. Well, she does online school.

20 Q. Okay. Do you know what she's
21 studying online?

22 A. I don't remember what she is
23 studying, no. I don't know what she wants.

24 Q. Is your son working now?

25 A. Yes.

1 Q. What does he do?

2 A. Construction.

3 Q. Does he work with you?

4 A. No.

5 Q. Are you currently employed
6 anywhere?

7 A. You know, I do some side jobs.

8 Q. What type of work do you do?

9 A. Just to earn extra money.

10 Handyman.

11 Q. When you came to Tennessee with
12 your ex-wife, did you come to work for a company?

13 A. I worked for a company.

14 Q. What company did you work for?

15 A. United Group Realty for houses.

16 Q. What type of work were you doing
17 for them?

18 A. Like remodeling old houses, fixing
19 things to get them ready to sell.

20 Q. How long did you do that?

21 A. I believe two years.

22 Q. Okay. What did you do after that?

23 A. Boiling's Construction. I'm not
24 sure of the spelling. B-o-i-l-i-n-g-s Construction.

25 Q. Was that in Loudon County?

1 A. Yes.

2 Q. How long did you work there for?

3 A. Less than one year.

4 Q. Okay. And where did you work after
5 that?

6 A. No work until I moved to
7 California. I drove for Uber.

8 Q. In California?

9 A. Yes, just for a short time. Just
10 short-term work.

11 Q. How long did you live in
12 California?

13 A. Three years. Less than
14 three years.

15 Q. Did your family go with you?

16 A. No, just myself.

17 Q. Was this after your divorce?

18 A. After I was divorced a few
19 months -- maybe two years later, then I moved to
20 California.

21 Q. Do you know what years you were in
22 California?

23 A. 2014 until 2017, and then I moved
24 back to Tennessee.

25 Q. What brought you back to Tennessee

1 this time?

2 A. My kids needed me.

3 Q. What type of -- did you have a job
4 when you came back in 2017?

5 A. Just side jobs. Like a handyman,
6 you know, kind of self-employed. I didn't work
7 every day, though.

8 Q. At some point did you work for a
9 pawn shop?

10 A. Yes.

11 Q. When did you start working for
12 them?

13 A. 2017. 2017. That was part-time.

14 Q. What were you doing for them?

15 A. Like mechanic and handyman, either.

16 Q. What type of things did the pawn
17 shop have that would require a mechanic or a
18 handyman?

19 A. The owner of the pawn shop -- oh,
20 what's it called? They owned a storage building and
21 I would fix the door again and again, worked on lawn
22 mowers, cut the grass, paint.

23 Q. Do you know about --

24 A. Fix the water line. You know,
25 handyman. A few houses.

1 Q. All right. Do you know about how
2 many hours a week you would work then?

3 A. In the summer, maybe 32. Yes,
4 30 hours or less.

5 MR. ROZYNSKI: Would now be a nice
6 little bathroom break?

7 MR. YOUNG: Yes, that's fine.

8 (Off the record at 10:03 a.m.)

9 (On the record at 10:12 a.m.)

10 BY MR. YOUNG:

11 Q. When you were making glass tubes in
12 Georgia, how were you able to communicate with your
13 co-workers and your boss?

14 A. Body language and gesturing.

15 Q. Were you able to communicate in
16 writing?

17 A. Like for meetings they hired an
18 interpreter, but every day it was just body
19 language, pointing here, pointing there, gesturing.

20 Q. Was there any communication in
21 writing?

22 A. Some. Like simple things. It
23 wasn't just big explanations. Just simple words.

24 Q. When you worked for your father, is
25 he ASL fluent?

1 A. My dad didn't sign ASL but we had
2 home sign. It was home sign. And I, of course,
3 have been around him all of my life and so I knew
4 his signs.

5 Q. Would you communicate with him in
6 writing?

7 A. Some, but mostly it was home sign.
8 A little bit of finger spelling.

9 Q. Did your father employ more than
10 just you?

11 A. Yes, there were other workers.

12 Q. How would you communicate with
13 them?

14 A. Body language. Gesturing. That's
15 it.

16 Q. When you worked for Uber, how were
17 you able to communicate with customers?

18 A. I would point to them on the -- I
19 would point to the address to make sure the address
20 was right and it was thumbs up, thumbs down.

21 Q. Did you -- when you worked for
22 Uber, did you have to report to a supervisor or some
23 other type of Uber organizational person?

24 A. What do you mean by that?

25 Q. Was there someone he reported to at

1 **Uber?**

2 A. No.

3 Report? You mean like if I got the
4 trouble?

5 Q. No.

6 How did you apply for the job?

7 A. I did Uber Eats. Uber Eats is like
8 people would order food and then I would verify the
9 address and take it to them.

10 Q. How were you able to apply to get a
11 job at Uber Eats?

12 A. My ex-girlfriend, she helped me to
13 apply.

14 Q. When you worked for UG Realty, how
15 were you able to communicate with your co-workers
16 there?

17 A. UG? What?

18 Q. The realtor who you did -- who you
19 helped prepare homes for sale for.

20 A. Some of my friends helped me to
21 tell me what they said. To hammer. To paint. To
22 fix. The water pipes were broken. They would
23 explain it to me so I could fix it.

24 Q. Do you have friends who are fluent
25 in English?

1 A. I'm sorry. I don't understand that
2 question.

3 Q. Do you have friends who are capable
4 of hearing?

5 A. My friends? Yes, I have hearing
6 friends.

7 Q. Okay.

8 A. I don't.

9 Q. You're saying you don't hear.

10 A. I could hear a horn if it's really
11 loud and really close, but I can't hear something
12 from really far away. If my friends hear something
13 for me, they can tell me.

14 Q. Do you have friends who don't know
15 ASL?

16 A. Hearing or deaf? Which are you
17 talking about?

18 Q. Okay. Do you have hearing friends
19 who do not know ASL?

20 A. Some hearing know a little sign.
21 Some hearing don't know sign. It's mostly body
22 language in that instance. Like they write simple
23 words.

24 Q. Do you ever communicate via text
25 message with your hearing friends who don't know

1 **ASL?**

2 A. Yes, we text and communicate like,
3 "I'll see you tomorrow." Not like a big long
4 sentence or anything like that. It's very simple.

5 Q. Do you currently own your own car?

6 A. Yes.

7 Q. How long have you had that car?

8 A. Five years.

9 Q. Okay. Where did you get it?

10 A. An auto dealership.

11 Q. When you went to buy the car, were
12 you able to negotiate the sale yourself?

13 A. My friend, my ex-girlfriend, not
14 Pei, my ex-girlfriend and I went. And what they
15 told my ex-girlfriend, she would sign to me.

16 Q. What is his ex-girlfriend's name?

17 A. Robbie.

18 Q. What is her last name?

19 A. Vida, V-i-d-a.

20 Q. Does she live here in
21 East Tennessee?

22 A. No.

23 Q. Where does she live?

24 A. California.

25 Q. When you have to sign a purchase

1 document or a legal agreement, do you have a friend
2 help you with it?

3 A. Sign what?

4 Q. Any type of contract.

5 A. I still don't get -- like signing
6 for a car?

7 Q. Sure.

8 A. I can sign it.

9 Q. Okay. Can you review the document
10 and know what it means?

11 A. No. Some. No.

12 Q. So how do you know what you are
13 signing?

14 A. They explain to me what this means.
15 You know, different things you need to sign and then
16 you just sign down through there. Do I read it
17 completely? No. The salesman explains and then I
18 sign it.

19 Q. Does the salesman explain it to you
20 or to a friend or an interpreter?

21 A. My ex-girlfriend helped me. There
22 was no interpreter. My ex-girlfriend, she explained
23 to me the meaning. She explained it.

24 Q. Could your ex-girlfriend hear?

25 A. She was hearing.

1 Q. So you wouldn't have signed
2 something if you didn't know what it meant.

3 MR. ROZYNSKI: Object to the form.
4 You can answer.

5 THE WITNESS: I'm lost.

6 MR. ROZYNSKI: Sometimes I'll lodge
7 objections. It's just for the record. You
8 can still answer unless I instruct you not
9 to, but I don't anticipate that happening.

10 So if you hear my objection, just
11 go ahead and answer unless I tell you
12 otherwise.

13 THE WITNESS: Okay.

14 MR. ROZYNSKI: You can answer that
15 question.

16 INTERPRETER: Okay. You're going
17 to have to give it to me again.

18 Q. (BY MR. YOUNG) All right. You know
19 not to sign something if you don't know what the
20 document means.

21 MR. ROZYNSKI: Object to the form.
22 You can answer.

23 A. It's hard to say. If I don't
24 understand it but somebody explains it to me -- it
25 depends. It's hard to explain.

1 For example, a lease agreement, I
2 know the in's and out's of a lease agreement. Some
3 of it I don't really understand, but it depends on
4 what the document is.

5 Q. (BY MR. YOUNG) Do you feel like
6 you're able to review a lease agreement on your own
7 and execute that?

8 MR. ROZYNSKI: Objection to form.
9 You can answer.

10 A. Well, I'm not really comfortable
11 with all of it but, I mean, we need a place to live,
12 so yeah.

13 Q. (BY MR. YOUNG) My question is, do
14 you feel comfortable being able to review a lease
15 agreement and sign off on it without having the
16 assistance of someone else?

17 MR. ROZYNSKI: Objection to form.
18 You can answer.

19 MR. YOUNG: What is the form that's
20 problematic?

21 MR. ROZYNSKI: It's broad and
22 nonspecific as to what document you're
23 speaking of.

24 MR. YOUNG: A lease agreement.

25 MR. ROZYNSKI: Is there more than

1 one lease agreement?

2 MR. YOUNG: He's the one that
3 brought it up.

4 Q. (BY MR. YOUNG) Where you live now,
5 are you renting?

6 A. No, I own the house.

7 Q. Okay. When did you buy the house?

8 A. 2002.

9 Q. Okay. When is the last time you
10 leased a home?

11 A. A lease, like for an apartment, for
12 example?

13 Q. Yes.

14 A. Well, if we sign an agreement --
15 okay. Let me explain it to you.

16 We signed the lease agreement, but
17 I'm not tracking you.

18 Q. Where you live now, the home, the
19 128 Johnson Drive address, are you leasing that home
20 or do you own it?

21 A. I own it.

22 Q. You brought up a lease agreement
23 earlier today.

24 A. Correct.

25 Q. When is the last time you signed a

1 lease agreement?

2 A. Oh, gosh, that was a long time ago.

3 Q. Okay. Did you have to sign a lease
4 agreement when you lived in California?

5 A. Yeah, it was with my friend. Yeah,
6 my friend explained it to me.

7 Q. Did you want her to explain it to
8 you before you signed it?

9 A. Yeah, I asked her to explain what
10 it meant, and she explained it to me. And I asked,
11 "What does this mean," she explained it and then I
12 went ahead and signed it.

13 Q. If you did not understand what it
14 meant, would you have signed it?

15 MR. ROZYNSKI: Objection to form.
16 You can answer.

17 A. If I don't understand, I'm not
18 signing it.

19 Q. (BY MR. YOUNG) Okay.

20 A. I mean, sometimes -- yes, I don't
21 know.

22 I want to explain, but I'm not
23 exactly sure how this is related to Parkwest
24 exactly, because that's confusing me. Why -- what
25 does my past and my current situation have to do

1 with Parkwest?

2 Q. Well, one thing about today in a
3 deposition is only lawyers get to ask questions.

4 A. Uh-huh.

5 Q. So my question was, you don't sign
6 things you don't understand; is that correct?

7 MR. ROZYNSKI: Objection to form.

8 Q. (BY MR. YOUNG) Go ahead.

9 A. That's a double-edge sword. It
10 depends on what it is.

11 Q. Okay. What type of things would
12 you sign if you don't understand what it is you're
13 signing?

14 A. It would depend on where, what
15 company. It would depend on a number of different
16 things.

17 Q. Well, can you think of an occasion
18 where you signed your name to something without
19 knowing what it was you were signing your name to?

20 A. Yes, sometimes.

21 Q. Okay. Can you give me some
22 examples?

23 A. Do you mean you want to know
24 exactly when?

25 Q. Well, I'm trying to understand what

1 type of documents that you would be willing to sign
2 without knowing what they were.

3 A. I don't know.

4 Q. Do you use a video phone service
5 called InTouch?

6 A. Yes.

7 Q. In what settings would you use the
8 video phone service, InTouch?

9 INTERPRETER: For the interpreter,
10 for clarification, when you say settings,
11 you are not talking about the tech settings.
12 You are talking about situations.

13 MR. YOUNG: That's right, what
14 situations.

15 A. Oh, make an appointment with a
16 doctor, if I needed to talk to a deaf person.

17 Q. (BY MR. YOUNG) And InTouch, is that
18 like FaceTime?

19 A. No, they are different. FaceTime
20 is very different but InTouch has, you know, a dial
21 pad. We use sign language. I see their face.

22 And FaceTime is -- you know, deaf
23 people just FaceTime just to chat mostly.

24 Q. Are you able to communicate on your
25 phone just using FaceTime?

1 A. It depends. It depends. If it
2 freezes, depending on what area I'm in -- like if
3 I'm driving somewhere and I don't have cell
4 coverage, then no, it doesn't work. It's not clear.

5 Q. Okay. Assuming you are not having
6 a connection issue and it doesn't freeze, are you
7 able to communicate via FaceTime with a deaf person?

8 A. Yes.

9 Q. Do you have an e-mail address?

10 A. Yes.

11 Q. What is your e-mail address?

12 A. Stsilverdragon88@gmail.com.

13 Q. Do you regularly check that e-mail?

14 A. Mostly if I'm checking my bank
15 balance. Junk mail I just ignore.

16 Q. Is there any person you communicate
17 with using e-mail?

18 A. Mostly I prefer sign language.

19 Q. But is there anyone that he
20 communicates with -- that you communicate with using
21 e-mail?

22 A. I'll read the e-mail and then I
23 will call to communicate with the person through the
24 video phone.

25 Q. When you're using the InTouch video

1 phone service, are you signing into a camera and the
2 person on the other side is signing back to you?

3 A. Okay. InTouch or FaceTime, which
4 one are you asking about?

5 Q. InTouch.

6 A. Yeah. We just communicate and then
7 there's an interpreter that has an ear piece and a
8 microphone and talks to the other person I'm talking
9 with. It's like a three-way call.

10 Q. So InTouch would be used with
11 communicating with a person who does not know ASL.

12 A. Correct.

13 Q. Okay. And FaceTime could be used
14 with speaking with someone who does know ASL.

15 A. Correct.

16 Q. There wouldn't be a reason to
17 communicate with a person who knows ASL using the
18 InTouch.

19 A. Like if FaceTime is not working
20 I'll use the InTouch.

21 Q. Okay.

22 A. Because we both know sign. If the
23 FaceTime is not working, my FaceTime is not working,
24 their FaceTime is not working.

25 Q. Okay. For the --

1 A. But, I mean, there are other ways.

2 Q. Okay. So I guess what I'm getting
3 at, provided there's no technical problems, would
4 you typically speak with an ASL-fluent person using
5 FaceTime?

6 A. Yes. Most of the time it's
7 FaceTime.

8 Q. We are here today in relation to a
9 problem you had with your right leg.

10 A. Yes, my right leg.

11 Q. Prior to October of 2017, had you
12 had any circulation problems with your right leg
13 before?

14 A. You mean before October?

15 Q. Yes.

16 A. No. No.

17 I fell -- when was that? Gosh,
18 that was -- what was that? October 20th I fell.

19 Q. Prior to October the 20th, you
20 hadn't had any problems with your right leg,
21 October 20th, 2017.

22 A. No, not until I fell on
23 October 20th. Yes.

24 Q. Have you had any -- prior to
25 October the 20th of 2017, had you had any

1 circulation problems involving any other part of
2 your body?

3 A. You are talking about my leg?

4 Q. I am talking about any other part
5 of your body.

6 A. No, no problems that I know of. I
7 had a heart problem but no blood problems.

8 Q. Okay. I would include the heart in
9 that.

10 A. Well, I'm thinking, you know, blood
11 throughout my body, but okay. All right.

12 Q. What types of problems had you had
13 with your heart?

14 A. I had a blockage.

15 Q. When was that?

16 A. 2015.

17 Q. What treatment did you receive for
18 your blockage?

19 A. I had surgery. They put a stent
20 in.

21 Q. Did they tell you anything that
22 could have caused that blockage to form in your
23 heart?

24 A. Just the blood -- the artery --
25 yeah, the artery was blocked.

1 Q. Did they warn you about how smoking
2 might contribute to a blockage in your artery?

3 A. Yes, with an interpreter.

4 Q. Was this in California?

5 A. Yes.

6 Q. So you understood that smoking was
7 not good for your circulation.

8 MR. ROZYNSKI: Objection to form.
9 You can answer.

10 A. Yes.

11 Q. (BY MR. YOUNG) And that's going all
12 the way back -- did you know that before 2015?

13 A. So you're asking me when I learned
14 it was bad -- that smoking was bad?

15 Q. Well, that smoking could harm your
16 circulatory system.

17 A. Yes, smoking is bad for your heart.

18 Q. How long have you known that?

19 A. A lot of people tell me that
20 smoking is bad. I don't know exactly what year that
21 was. I mean, a lot of people tell me that.

22 Q. That's right. You've known that
23 for a long time, well before 2015.

24 A. Yes.

25 Q. Okay. And you had known before

1 2015 that smoking could affect circulation in other
2 parts of your body.

3 MR. ROZYNSKI: Objection to form.
4 You can answer.

5 A. No, my doctor didn't tell me all
6 that. No deep details about that.

7 Q. (BY MR. YOUNG) You have been
8 smoking for 30 years.

9 A. Correct.

10 Q. A pack per day.

11 A. Correct.

12 Q. Have you noticed the warning labels
13 on cigarette packages?

14 A. Yes, there's some language on the
15 box. There's something that says like cancer or
16 lung, yeah.

17 Q. As we sit here today, you know that
18 smoking can affect the circulation in your legs.

19 MR. ROZYNSKI: Objection to form.
20 You can answer.

21 A. I have no idea.

22 Q. (BY MR. YOUNG) No doctor has ever
23 told you that?

24 A. I don't know.

25 INTERPRETER: I don't know was for

1 the previous question. I'll go with this
2 question.

3 A. The doctor told me that smoking is
4 bad for you, and that's it. He didn't go into any
5 kind of in-depth about smoking.

6 Q. (BY MR. YOUNG) Is that true for --

7 A. Yeah, just the doctor recommended I
8 quit.

9 Q. Okay. Are we talking -- which
10 doctor are we talking about at this point?

11 A. Primary physician.

12 Q. Okay. Did any doctor mention
13 anything about smoking and the condition of your leg
14 as to whether or not the circulation would be
15 affected?

16 A. No, most of the doctors just said
17 don't smoke. They never did any kind of deep
18 explanation about anything. Just quit smoking.

19 Q. And that's true for -- that's true
20 for all the doctors you have seen, regardless of
21 where they practiced?

22 A. Family doctors. Friends told me
23 that.

24 Q. When you had your stent put in in
25 California, did you have a live interpreter with you

1 during that hospitalization?

2 A. It was a video remote interpreter.

3 Q. Did you understand what your
4 problem -- or the nature of your heart problem using
5 the VRI?

6 A. Yes. Clearly. Clearly.

7 Q. Did you understand the procedures
8 you were going to undergo while you were in the
9 hospital in California?

10 A. Correct.

11 Q. As for the hospitalization in
12 California, was there any difference between using
13 the VRI and a live interpreter?

14 A. You're asking between a VRI
15 interpreter and a live interpreter and you want to
16 know what the difference is?

17 Q. Well, was the communication just as
18 good?

19 A. I would rather have a live
20 interpreter because the video remote interpreter has
21 a delayed response sometimes, whereas a live
22 interpreter is more fluid. The VRI has technical
23 glitches. Sometimes there's missed information.
24 Because of that, I would prefer an in-person
25 interpreter.

1 Q. But on the California admission,
2 you would agree that you understood what your
3 medical problem was and what the treatment that you
4 were receiving was for that problem.

5 A. Yes. The VRI helped explain that
6 to me, but it was a slow process. It was clear, but
7 there was a lot of repetitive to make sure it was
8 correct and I understood it.

9 Q. But you were able to effectively
10 communicate on that occasion in California using the
11 VRI.

12 A. Yes.

13 Q. Since you've moved to Tennessee, do
14 you have a primary care physician?

15 A. Yes.

16 Q. Who is that?

17 A. Currently?

18 Q. Yes.

19 A. Let me get his name.

20 Dr. Stovall.

21 Q. How do you communicate with
22 Dr. Stovall when you go to see him?

23 A. Through VRI.

24 Q. Where does Dr. Stovall practice?

25 A. In Lenoir City.

1 Q. Have you ever requested that
2 Dr. Stovall provide you with an in-person
3 interpreter?

4 A. Yes, both interpreter and VRI.

5 Q. Has he ever provided with you an
6 in-person interpreter?

7 A. Yes. Like if it's something
8 serious, the doctor will use a live interpreter. If
9 it's like a cold or something minor, then we use the
10 VRI.

11 Q. When is the last time you used an
12 in-person interpreter with Dr. Stovall?

13 A. The last time? The last time I was
14 there was with the VRI.

15 Q. When -- on what occasions have you
16 used a live interpreter with Dr. Stovall?

17 A. A few months ago.

18 Q. What was going on then?

19 A. It was for a blood clot and he
20 wanted to talk to me about it.

21 Q. Where was this blood clot?

22 A. On my right foot, lower leg.

23 Q. Was this before or after October of
24 2017?

25 A. It was after October the 21st when

1 they found I had a blood clot.

2 Q. Did Dr. Stovall give you any advice
3 about what signs to look for if there was a problem
4 with your blood clot?

5 A. I had just gotten the new primary
6 doctor. My old doctor before was Dr. Holmes.

7 Q. Okay. My understanding -- is it
8 correct that you saw Dr. Stovall before you went to
9 Parkwest on October the 24th of 2017?

10 A. My primary doctor -- my ex-doctor
11 was Dr. Holmes and that was before -- he was the
12 referring physician for Parkwest.

13 I just got Dr. Stovall as my
14 primary care physician last year, in the spring of
15 last year. Dr. Stovall is my new primary care
16 physician.

17 Q. Okay. I'm a little confused by
18 that.

19 You said you saw a live interpreter
20 for a blood clot in your foot with Dr. Stovall.

21 A. Just recently, just recently what
22 you were talking about, the last time I saw the
23 doctor was with VRI for a blood clot. Before that
24 Dr. Holmes -- okay. Let me back up and make this
25 clear.

1 The last time -- you're asking the
2 last time I saw the doctor was for the blood clot.

3 Is that what you are asking?

4 Q. Well, to give it some context, we
5 were talking about when you had used a live
6 interpreter for a medical appointment with
7 Dr. Stovall, and you mentioned there was an occasion
8 where you had a blood clot in your right foot that
9 you used a live interpreter with, with Dr. Stovall,
10 and I'm trying to find out when that was.

11 A. I used a live interpreter with
12 Dr. Stovall just a few months ago.

13 You're asking why, correct?

14 Q. Yes.

15 A. It was for a blood clot.

16 Q. So that was a few months ago.
17 Where was that blood clot?

18 A. That was on my left leg.

19 Q. Okay.

20 A. I just wanted to make sure if we
21 were talking about right or left. So, yes, that was
22 on the left. I just want to make sure I'm clear on
23 that.

24 Q. Okay. I was confused.

25 A. I was confused also, but anyway.

1 Q. Okay. Here in Tennessee if you had
2 to go to a hospital to seek medical care, which --
3 prior to 2017, October of 2017, where would you
4 typically go?

5 A. Before October 2017 if I had to go
6 to the hospital, correct?

7 Q. Yes.

8 A. I would go to Parkwest.

9 Q. Would you go to Loudoun more often?

10 A. It depends. It depends. Parkwest
11 has more technology than Loudoun Hospital does, so
12 it depends.

13 Q. Now, you are talking about -- what
14 type of technology? Communication technology or
15 healthcare technology?

16 A. Communication. Because it's a big
17 hospital, you would expect them to be prepared for
18 communication, but not.

19 Q. When you would go to Fort
20 Sanders -- well, let me back up.

21 When you would go see Dr. Holmes --
22 is that the correct name?

23 A. Yes.

24 Q. Would you always use VRI?

25 A. No.

1 Q. Okay. How would you communicate
2 with Dr. Holmes?

3 A. I asked for an interpreter for the
4 doctor, and he said there were none available. The
5 doctor kept talking about my ex-wife, and we would
6 try to use her to communicate, so --

7 Q. So on some occasions you would use
8 your ex-wife to communicate with Dr. Holmes?

9 A. Sometimes. It had to be -- he had
10 to speak very slowly for her to understand because
11 she made a lot of mistakes, so --

12 Q. What about --

13 A. And that's why I was not really
14 comfortable, and so I have the new doctor for my
15 primary care physician because he has VRI available
16 and an interpreter if needed.

17 Q. Okay. Do you ever use your
18 daughter to assist you in medical appointments?

19 A. No. You know, simple basic things
20 she can sign well, but doctors' appointments and
21 explaining things like that, she doesn't understand
22 it.

23 Q. Have there ever been occasions when
24 you have gone to Fort Sanders Loudoun and you've
25 expressed a preference for a family member to

1 communicate with a health provider as opposed to
2 VRI?

3 A. The hospital?

4 Q. **Yes. Fort Loudoun.**

5 A. In Lenoir City?

6 Q. **Yes.**

7 A. Sometimes I will ask them, "I'm
8 deaf, I need an interpreter."

9 Are we talking about October --
10 after October the 20th? Is that what you are
11 talking about?

12 Q. **Before.**

13 A. Okay. I just want to make sure we
14 are talking about October the 20th, before or after.

15 Q. **Before.**

16 A. I asked the hospital -- I'm
17 confused of what the question is.

18 Please, I need that again.

19 Q. **(BY MR. YOUNG) Okay. Before**
20 **October the 20th, 2017, were there occasions when**
21 **you went to Fort Sanders Loudoun and said you**
22 **preferred to use a family member to communicate with**
23 **the healthcare providers as opposed to using VRI or**
24 **an interpreter?**

25 A. I would wait for an interpreter for

1 three, four, five hours and then we would just like
2 use my daughter. We are not talking about serious
3 stuff. It would be very simple stuff. Anything
4 very serious or awful, I had to wait for an
5 interpreter.

6 MR. ROZYNSKI: Do you want to take
7 a little break?

8 MR. YOUNG: Why don't we take a
9 little break.

10 (Off the record at 11:10 a.m.)

11 (On the record at 11:21 a.m.)

12 BY MR. YOUNG:

13 Q. Do you know what date it was you
14 fell and hurt your knee in October of 2017?

15 A. That was October 20th, so it was
16 two days. Two days before October 20th.

17 Q. It was October the 18th?

18 A. The 18th, yeah. I guess the 18th.
19 I went the Parkwest on October 20th or 21st. I
20 believe October 20th, give or take. On the 21st I
21 was at Parkwest Hospital.

22 Q. All right. Assuming that your
23 first visit following your knee injury to Parkwest
24 was October the 24th of 2017, would you have fallen
25 and hurt your knee two days before that?

1 A. The 21st? I remember I went to
2 Parkwest two days -- do I need to know the exact
3 date? Because I'm not sure of it.

4 Q. I don't need the exact date. I'm
5 more interested in the sequencing.

6 The first time that you went to
7 Parkwest for your fall, was it two days after your
8 fall had occurred?

9 A. Correct.

10 Q. How did you fall and hurt yourself?

11 A. I'm just walking along, lost
12 balance and down I went.

13 Q. Were you working when it occurred?

14 A. No. I was walking in the back
15 yard. Just walking and then -- I was on concrete.
16 I was walking on concrete.

17 Q. Where did you hit your leg when you
18 fell?

19 A. I'm not exactly sure what you call
20 it. I'm saying my knee. My leg went down and I hit
21 somewhere -- I'm indicating somewhere between my
22 kneecap and my ankle.

23 Q. Did it bleed?

24 A. No, there was no blood. There was
25 no cut or any blood. I just hit it hard.

1 Q. Did you think to go to a doctor
2 that day?

3 A. No. I fell and I used ibu -- some
4 medication for the pain and some ice to help with
5 the swelling and I thought it would go away. I
6 didn't think anything of it.

7 The next day I was like, "Wow, I
8 still hurt," so I used some more of that ibu
9 medication. Then I ended up going to Parkwest.

10 Q. Did you consider going to your
11 family care physician or Fort Sanders Loudoun?

12 A. Can I talk to my attorney in
13 private right at this moment?

14 INTERPRETER: And the interpreter
15 did not provide the question yet.

16 MR. YOUNG: I would rather not
17 because a question is pending.

18 INTERPRETER: Okay. For the
19 interpreter, if you would provide the
20 question again, please, sir.

21 Q. (BY MR. YOUNG) Did you consider
22 going to somewhere else, such as your -- Dr. Holmes?

23 A. I'm trying to remember. I was in a
24 lot of pain. I thought it was best to go to the ER
25 and that's what I decided to do.

1 Q. Okay. How did you pick Parkwest as
2 opposed to Fort Sanders Loudoun?

3 A. Because Parkwest -- excuse me, Fort
4 Sanders Loudoun is a long -- is a long wait.
5 Parkwest is much quicker, and that was my experience
6 at Fort Loudoun Hospital. It was just forever and a
7 day because it's a small hospital. But Parkwest,
8 because it's bigger, it's much quicker to get in.

9 Q. Did you consider going to Tennova
10 Turkey Creek?

11 A. No, I had never been there. No. I
12 mean, a lot of people say Parkwest is good and I
13 believe what people say, so I went to their ER but
14 no interpreter.

15 Q. Okay. Did you go to Parkwest by
16 yourself?

17 A. I was with my family.

18 Q. Okay. Who from your family?

19 INTERPRETER: For the interpreter,
20 I don't know what that is.

21 A. Tala, my daughter. My ex-wife --
22 no, no, no. My girlfriend at the time.

23 Q. (BY MR. YOUNG) Okay. So it was
24 Tala, your girlfriend that -- what was her name?

25 A. Pei, P-e-i.

1 Q. Who is still your girlfriend,
2 right?

3 A. Correct.

4 Q. Okay. And your ex-wife.

5 A. Correct.

6 Q. Okay. How was it decided that
7 those three would come with you?

8 A. For support. I mean, I need
9 support.

10 Q. Sir, are you still on good terms
11 with your ex-wife?

12 A. Oh, yeah. Yes, it's for the
13 children's sake.

14 Q. Forgive me for asking it again.
15 Ms. Chang, she can hear; is that
16 right?

17 A. No, she can't. She's deaf.

18 Q. Okay. Does she have an implant?

19 A. No. She has a hearing aid.

20 Hearing -- yes, a hearing aid.

21 Q. Can she hear with the hearing aid?

22 A. No. She can hear sound but not
23 speech. Environmental sounds. Anything that's
24 really loud she can. It will catch her attention.
25 If you shout really loud she will turn her head, but

1 that's about it.

2 Q. Can she speak?

3 A. Very little. Very little.

4 Q. Where is she employed?

5 A. Kohl's, K-o-h-l-s.

6 Q. What does she do for them?

7 A. She puts on price tags on items,
8 like tags of some sort on items.

9 Q. Okay. So tell me about the pain
10 you were experiencing when you arrived to Parkwest
11 the first time after your knee injury -- or your leg
12 injury.

13 A. So I got to Parkwest in a
14 significant amount of pain. My ex-wife explained
15 about the pain, that it was on the right side, that
16 we needed an interpreter. They said they will have
17 one and they -- you know, they gave my name. I'm in
18 a lot of pain the whole time while I'm there, and I
19 think I got in a room of some -- an ER room of some
20 sort. They checked me. I asked again that I needed
21 an interpreter. The nurse spoke to me but, of
22 course, I can't understand what she's saying. I
23 needed an interpreter. I was extremely frustrated.
24 I waited forever.

25 They sent me to x-ray, and I had to

1 go into a machine. I'm not sure exactly what it's
2 called. I want to say it's like CT scan. You have
3 to go into the machine. Anyway, again, still no
4 interpreter there. They brought me back to the
5 room. They gave me some painkillers and then --

6 INTERPRETER: For the interpreter,
7 I need to what that means.

8 A. A painkiller and antibiotic and
9 they sent me home. They sent me home. The pain
10 didn't stop.

11 There was no communication between
12 me and the doctor. I needed to know what was going
13 on. I had no idea, and I needed to communicate with
14 the doctor through an interpreter, which I did not
15 have.

16 Q. (BY MR. YOUNG) Did anyone ever tell
17 you that you couldn't have an interpreter?

18 A. My ex-wife heard -- because I can't
19 hear, okay? Because I was in so much pain and
20 waiting and waiting and waiting. They kept telling
21 me an interpreter was on the way, but I never saw
22 one and one never showed up. And then my daughter
23 heard -- and again, like I was in the room, so my
24 daughter heard some bustling going on.

25 Q. Your daughter heard some bustling

1 going on?

2 A. The nurse said she would provide --
3 or the doctor said -- or the nurse said no
4 interpreter or they refused to provide, and I'm not
5 exactly sure what the conversation was.

6 VRI. VRI. I'm trying to remember.
7 No, I'm trying to remember the specifics. I'm
8 trying to remember what happened before they sent me
9 home. There wasn't an interpreter there. We
10 waited. No one showed up.

11 Q. What was -- is it fair to say, sir,
12 that you don't have a -- you cannot recall why an
13 interpreter was not present?

14 A. Correct. I cannot remember.

15 Q. Was VRI offered to you?

16 A. Parkwest has VRI but it kept
17 freezing. The video kept freezing. The technology
18 and something was going on with it. It was freezing
19 and I needed to have an in-person interpreter.

20 Q. Was this on the first visit after
21 your fall or the second visit?

22 MR. ROZYNSKI: Objection to form.
23 You can answer.

24 A. I'm trying to remember. Gosh, this
25 is two years ago. I remember the VRI freezing but

1 which exactly -- yes. I'm sorry. I don't remember.

2 Q. (BY MR. YOUNG) It's okay.

3 The pain that you were having in
4 your leg, did it go down to your toes?

5 A. Yes.

6 Q. Did it affect your little toe?

7 A. Yes. Yes. You're asking me all --
8 from my leg all the way down to my feet, yes.

9 Q. Okay. Do you recall -- this is the
10 first visit after the fall.

11 Do you recall any of the care
12 providers individually?

13 A. Oh, no. There's way too many. No
14 way. I have no idea. I wasn't focusing on names.
15 I was focusing on my leg and waiting on an
16 interpreter. I was not taking names.

17 Q. Was your daughter acting as an
18 interpreter while you were there on the first visit?

19 A. My ex-wife was there, and I believe
20 my ex-wife tried to communicate what was going on.
21 She tried her best.

22 Q. What I'm getting at, if the
23 hospital record says that you were using your
24 daughter as an interpreter, that would be in
25 conflict with your memory.

1 A. Honestly, there's so much that
2 happened. So specifics, huh-uh, I don't remember.

3 Q. Okay.

4 A. I'm talking to myself because the
5 interpreter is like, "I don't know what you are
6 saying."

7 I know that Pei was there. My
8 daughter was there. My daughter was there. Not --
9 okay. I remember my daughter and Pei were there.

10 In Lenoir City my daughter was not
11 there. It was just my ex-wife. Yeah. Yeah. My
12 daughter and Pei, right.

13 Q. So on the first visit to Parkwest
14 after your fall, you're saying it was just your
15 daughter and your girlfriend that were there.

16 A. And my ex-wife.

17 Q. And a couple days later when you
18 went to Loudoun, it was just your ex-wife?

19 A. And my ex-wife, correct.

20 Q. Okay. Was your daughter and your
21 girlfriend with you on the visit to Loudoun Medical
22 Center two days after your visit to Parkwest?

23 A. No. Lenoir City, Pei and my
24 daughter were not there.

25 Q. On your visit to Parkwest, do you

1 know how long you were there at the hospital?

2 A. You want to know how long I was
3 there?

4 Q. Yes.

5 A. Waiting? How long I was waiting?

6 Q. From the time you walked in the
7 door until the time you walked out the door.

8 A. Oh, I don't remember. I don't
9 remember how long I stayed there.

10 Q. Was it a long time?

11 A. Really, I didn't think about how
12 long I was there. I was thinking about my leg
13 hurts, I'm in pain, not about how long I was there.

14 Q. The pain in your leg, did it hurt
15 more the second day than it did the first day after
16 the fall?

17 INTERPRETER: For the interpreter,
18 just for the timeline, when you first day
19 and second day, are you talking about the
20 day of the fall as day one?

21 MR. YOUNG: Yes.

22 A. After I fell I was in pain, and
23 you're wanting to know if it got worse. Because I
24 fell and it was not --

25 INTERPRETER: For the interpreter,

1 for clarification, worse the first day or
2 second day?

3 A. I fell. Two days later it was
4 worse, and that's why I went to Parkwest.

5 Q. **(BY MR. YOUNG) Have you seen the**
6 **records, the medical records, from your first visit**
7 **to Parkwest after your fall?**

8 A. For what? What medical records
9 would you be referring to?

10 Q. **The hospital records from your**
11 **visit.**

12 A. I still am not clear on what --
13 what do you mean? Like how long I was in Parkwest
14 or what?

15 Q. **These paper records.**
16 **Have you reviewed any paper**
17 **records?**

18 A. You mean from -- documents that the
19 nurses and doctors provided to me?

20 Q. **Either provided to you or that you**
21 **have subsequently reviewed.**

22 A. Okay. So what file or record --
23 what -- I'm not exactly sure what kind of record I
24 would get.

25 Q. **Well, I can show you.**

1 MR. YOUNG: I guess this will be
2 Exhibit No. 1.

3 (Exhibit 1 marked).

4 A. Okay. This is my record or from my
5 file?

6 Q. (BY MR. YOUNG) First of all, I will
7 represent to you that this is an emergency sign-in
8 sheet from October the 24th of 2017.

9 A. October 24th --

10 Q. 2017.

11 Is that your handwriting, sir?

12 A. Yes.

13 Q. And towards the bottom of the form,
14 is that your signature?

15 A. Yes, that's my signature.

16 Q. And your emergency contact name at
17 that time was Tala Tomei, your daughter.

18 A. Correct. Yeah, that's my daughter.

19 Q. Why would she be your emergency
20 contact?

21 A. Because she's my daughter and we
22 are tight. I mean, we are bonded. We are very
23 close.

24 Q. Okay. Is that also because she can
25 assist you in communicating with people that are not

1 **fluent in ASL?**

2 MR. ROZYNSKI: Objection to form.

3 You can answer.

4 INTERPRETER: For the interpreter,
5 will you please restate the question?

6 MR. YOUNG: What was wrong with the
7 form?

8 MR. ROZYNSKI: Your use of her
9 being an interpreter, I don't know what that
10 means.

11 MR. YOUNG: I don't know if I used
12 that term, but I'll rephrase the question.

13 **Q. (BY MR. YOUNG) Is she identified as**
14 **the emergency contact -- is part of the reason that**
15 **she's identified as the emergency contact because**
16 **she can help you communicate with people who do not**
17 **know ASL?**

18 A. Like, for example, if the emergency
19 room doctor could call my daughter and she could --
20 she could -- the doctor could call Tala to schedule
21 an appointment or a doctor appointment. So she
22 could answer the phone for me and then I would be
23 able to go to the appointment.

24 **Q. So you would rely on Tala to**
25 **provide some communications with the doctor for you**

1 until you were able to go to the appointment; is
2 that correct?

3 A. Like if I needed -- like as an
4 emergency contact, I have to put somebody as an
5 emergency contact and that is so a doctor or a nurse
6 or somebody can contact a family member.

7 Is there something wrong with
8 putting my daughter's name down as an emergency
9 contact?

10 Q. Well, again, in the context of a
11 deposition, I'm not here to answer questions. I
12 can't testify.

13 If I ask a question that's
14 improper, it's up to your lawyer to object, but
15 otherwise you really need to answer the questions
16 I'm asking.

17 A. Okay.

18 Q. There's not anything wrong that I'm
19 aware of with naming her as your emergency contact.
20 I'm just trying to understand all the reasons why.

21 A. Because I'm close to my daughter.
22 That's the reason.

23 Q. I understand that, but what I'm
24 trying to also get at is that one of the reasons she
25 is identified as your emergency contact is her

1 ability to both hear and communicate in ASL.

2 A. Yes, if the doctor needs to contact
3 her.

4 Q. Okay. Are you aware of any
5 information that Parkwest, the staff at Parkwest or
6 the doctors that were practicing at Parkwest, did
7 not receive on your first visit following your fall
8 that they would have received had an interpreter
9 been present?

10 MR. ROZYNSKI: Objection to form.

11 MR. YOUNG: What is the objection
12 to form?

13 MR. ROZYNSKI: I personally don't
14 even understand that question. I think
15 it's --

16 MR. YOUNG: I'm concerned about the
17 objections to the form to the extent they
18 are a tale to your client to, I don't know,
19 affect his response in some way. I don't
20 think you are doing that, but that's a
21 concern.

22 So if you have a genuine form that
23 you are objecting to, I need you to state
24 what that form is so I can adequately
25 rephrase my question in a way that's not

1 objectionable.

2 MR. ROZYNSKI: You can have the
3 court reporter read it back. I don't think
4 it's a clear question.

5 MR. YOUNG: Okay. Let's have the
6 question read back.

7 (Whereupon, the requested portion
8 of the transcript was read back by the court
9 reporter).

10 MR. ROZYNSKI: Objection to the
11 form.

12 You can answer.

13 Q. (BY MR. YOUNG) You don't understand
14 the question?

15 A. I'm lost. I'm sorry.

16 Q. Okay. I don't understand what is
17 complicated about the question, but I'll ask it a
18 different way.

19 Are you aware of any information
20 that the staff or doctors that were practicing at
21 Parkwest on your first visit after your fall, okay,
22 did not receive because a live interpreter was not
23 present?

24 MR. ROZYNSKI: Objection to form.

25 You can answer.

1 MR. YOUNG: What is the objection
2 to the form again?

3 MR. ROZYNSKI: You're asking for
4 the foundation of information that
5 doctors --

6 MR. YOUNG: I am asking what he is
7 aware of. He is allowed to testify to what
8 he is aware of. If he doesn't know, he
9 doesn't know.

10 MR. ROZYNSKI: Calls for
11 speculation. Incomplete hypothetical.

12 MR. YOUNG: No, it doesn't. I'm
13 asking about what his personal knowledge is.

14 Is he personally aware of any
15 information that was not communicated to the
16 staff or the doctors that were practicing at
17 Parkwest on that first visit because a live
18 interpreter was not present?

19 MR. ROZYNSKI: Objection to form.

20 INTERPRETER: Okay. So this is the
21 interpreter. I was interpreting
22 simultaneously at the same time you were
23 talking.

24 Can I interpret the exact same
25 question now consecutively?

1 MR. YOUNG: Sure.

2 INTERPRETER: The first time you
3 went to Parkwest without an interpreter, any
4 information, any information not clear given
5 to staff or doctors because the interpreter
6 was not there? Any information?

7 A. There was no interpreter there.
8 There was no communication at all.

9 Q. (BY MR. YOUNG) You're saying there
10 was no communication at all.

11 What I'm trying to find out is what
12 types of communication were they not receiving
13 because an interpreter wasn't present?

14 MR. ROZYNSKI: Objection to form.
15 You can answer.

16 A. Because I was in pain and I wanted
17 to explain to the doctor what happened, what was
18 wrong, and they had the wrong idea of what was going
19 on and I wanted to be able to explain in detail what
20 happened. It's very important to have a
21 communication happen with an interpreter there.

22 Q. (BY MR. YOUNG) Okay. You said the
23 doctors got it wrong.

24 What did the doctors get wrong?

25 A. If I'm talking, the doctor is just

1 nodding his head. I'm signing and my body language,
2 they don't have any idea. That's where
3 miscommunication happens.

4 Q. Okay. Did the doctors know that
5 you hurt your leg?

6 MR. ROZYNSKI: Objection to form.
7 Go ahead. You can answer.

8 A. My daughter explained that Dad's
9 leg hurts, but the doctor didn't know the depths of
10 what happened.

11 Q. (BY MR. YOUNG) Okay. That's what
12 I'm trying to find out.

13 We have interpreters here today,
14 and what I want you to tell us today is what you
15 would have told an interpreter on that day had they
16 been present.

17 A. I would explain where exactly I
18 hurt, the fact that it felt like fire, that it was
19 in-depth pain, and the doctor would then know what
20 to do and could work with me and be able to help me
21 and give me the appropriate medication and I would
22 have felt better about what was going on.

23 Q. Are you aware of any medication
24 that wasn't given to you that should have been given
25 to you?

1 A. I don't know. It would be
2 dependent upon what was going on with my leg and
3 what would take care of it. I'm not a medical
4 person. I'm not skilled and knowledgeable about the
5 drugs. That's their job.

6 Q. So how do you know that you didn't
7 receive the appropriate medical -- the appropriate
8 medicine on that occasion?

9 A. Okay. The inappropriate
10 medication -- okay. They gave me an antibiotic and
11 a pain medication. Is that appropriate? I have no
12 idea. I just followed what they gave me.

13 Q. Okay.

14 A. Now, if there was an interpreter
15 there, great, but there wasn't. So I have no idea.
16 It was very hard. There was no communication taking
17 place.

18 Q. Do you have any reason to believe
19 that the care you received, the medicine you
20 received and the treatment you received from the
21 staff and doctors at Parkwest, would have been any
22 different had a live interpreter been present?

23 MR. ROZYNSKI: Objection to form.

24 Q. (BY MR. YOUNG) Go ahead.

25 MR. ROZYNSKI: You can answer.

1 A. Without an interpreter or with an
2 interpreter, it's hard for me to say.

3 Q. (BY MR. YOUNG) Is it fair to say
4 you don't know if it would have been any different?

5 A. It depends. If there is an
6 interpreter there with a doctor, I would be more apt
7 to understand and go along with the doctor. But
8 without one there, I have no idea what's going on.
9 It's very uneasy. But with an interpreter there, I
10 feel like I've got communication happening with my
11 doctor.

12 Q. What was your understanding of what
13 your problem was when you left -- let me back up.

14 What was your understanding of what
15 your diagnosis was of your leg when you left
16 Parkwest after your first visit following your
17 injury?

18 A. Without an interpreter, I do not
19 know because nobody explained it to me. Nobody gave
20 me any explanation.

21 Q. Where was the focus of your knee
22 pain on that visit?

23 A. It was on my knee. On my knee,
24 that's where the pain was, and it spread down the
25 leg.

1 Q. Did you explain to your daughter on
2 this first visit that you did not understand what
3 was going on?

4 A. When I first arrived at Parkwest my
5 ex-wife was trying to explain this about the pain.
6 When I was standing there, they were talking. I
7 didn't know what they were talking about. I didn't
8 know what was going on.

9 So after that I went to the
10 emergency room -- into the room in the emergency
11 room.

12 Q. Were you by yourself in the room?

13 A. No, everybody was with me.

14 Q. And my question is did you explain
15 to either your ex-wife or your girlfriend or your
16 daughter that you didn't understand what was going
17 on with your care?

18 A. You mean did I explain to my
19 daughter, my ex-wife and my girlfriend?

20 So I explained to them where I
21 hurt.

22 Is that what you are talking about?

23 Q. Did you -- what you're telling us
24 today is that when you left the hospital, you didn't
25 understand what was going on with your leg.

1 Is that true?

2 MR. ROZYNSKI: Objection to form.

3 You can answer.

4 INTERPRETER: Could you please

5 repeat the question for the interpreter?

6 Q. (BY MR. YOUNG) Am I correct that
7 you're testifying today that on your first visit to
8 Parkwest, you left Parkwest without knowing what the
9 diagnosis was of your leg?

10 A. Correct.

11 Q. Did you tell either your daughter
12 or your girlfriend or your ex-wife that you didn't
13 understand what your diagnosis was?

14 A. Okay. I'm trying to understand
15 what you're asking me.

16 When I arrived my daughter and my
17 ex-wife and my girlfriend went into the ER with me,
18 and you're asking me if I told them what happened to
19 me? How I was hurt?

20 Q. No.

21 A. Okay. Could you please repeat the
22 question one more time?

23 Q. Okay. You've testified here today
24 that you left Parkwest without knowing what your
25 diagnosis was of your leg after your first visit

1 following your fall.

2 A. What does diagnosis mean?

3 Q. Where they tell you what they
4 thought was wrong with your leg.

5 A. The first time I left the hospital,
6 correct?

7 Q. Yes.

8 A. They gave me medication, an
9 antibiotic, and told me to follow the directions on
10 the paper that they gave me and ice it. That was
11 it.

12 Q. Were you confused at that point as
13 to anything that occurred at that visit?

14 A. When I arrived I was confused. I
15 was confused. I was emotional. I was focused on my
16 leg. I was completely overwhelmed. I'm trying to
17 remember everything and I couldn't remember.

18 Q. When you left how did you feel?

19 A. Still in pain. Very painful.

20 Q. But were you confused?

21 A. I was in pain. I was in pain. I
22 was like this medicine is not working that they gave
23 to me. I wanted to explain to the doctor. I
24 really, really wished there was an interpreter there
25 so I could explain exactly what I was experiencing.

1 They gave me a painkiller medicine
2 and an antibiotic or whatever medicine it was and
3 sent me home. I was still in so much pain. I was
4 very frustrated, angry and frustrated.

5 MR. YOUNG: All right. Why don't
6 we take five minutes?

7 (Off the record at 12:14 p.m.)

8 (On the record at 12:23 p.m.)

9 BY MR. YOUNG:

10 Q. I'm going to give you a four-page
11 document.

12 MR. ROZYNSKI: This is six pages.

13 MR. YOUNG: Is it six? I thought
14 it was four.

15 18, 19, 20 and 21, right?

16 I gave you too many. Hold on a
17 second.

18 MR. ROZYNSKI: Here's 18, 19, 20 --

19 MR. YOUNG: Hand me the last two
20 back. 22 and 23, give me those two back.
21 I'm sorry.

22 Thank you for pointing that out.

23 So the pages you have there, is
24 that 19 through 21?

25 MR. ROZYNSKI: 18 through 21.

1 MR. YOUNG: Yes, 18 through 21.
2 We'll mark this as Collective
3 Exhibit 2.

4 (Exhibit 2 marked).

5 BY MR. YOUNG:

6 Q. Have you seen that document before,
7 sir?

8 A. Yes.

9 Q. Do you know what that is?

10 A. Yeah, I see my name on it. This is
11 my handwriting.

12 Q. Do you know what these documents
13 are?

14 A. No, because I haven't read them. I
15 see my name signed on them, but no.

16 Q. Okay. I'll give you a second to
17 review that, and let me know what you think they
18 are.

19 A. Something about payment and maybe
20 about insurance. Insurance, I think. Something
21 about insurance and maybe medication -- or Medicare
22 insurance payments that I'm agreeing to.

23 Q. Okay. Would you have signed these
24 documents without talking with your daughter or
25 someone else with you as to what these documents

1 were?

2 A. The woman asked me to sign, put my
3 signature on. I signed them. She handed each
4 individual page to me -- each page individually and
5 I signed all of them.

6 Q. But you didn't ask what they were?

7 A. There was no explanation. She
8 said, "Sign here, sign here, sign here." That's
9 all.

10 Q. So you're saying you didn't ask
11 your daughter to look at these and tell you what
12 they were?

13 A. No, I don't think my daughter was
14 there in the room. I think she was out of the room
15 at the time when she came in and asked for a
16 signature.

17 I do remember the nurse giving me
18 papers and pointing and telling me to sign here, and
19 that's all.

20 Q. Okay. Look at Page 20.

21 Do you see that number, 1280?

22 A. Correct. 1280, uh-huh.

23 Q. Is that your handwriting?

24 A. No. No.

25 Q. Well, look at all four of those

1 pages.

2 Tell me everywhere where there's
3 writing that's not your handwriting.

4 A. Okay. This is my -- okay. 21,
5 this is me right here. I'm indicating my signature
6 and my printed name on the line that says signed and
7 printed name. The rest of it is not my handwriting.

8 This is my signature on Page 18,
9 but I did not write the information. The numbers to
10 the right of my signature, I did not put that
11 information on there. That's definitely not my
12 handwriting. It looks like a woman's handwriting.

13 Page 19, this is my signature on
14 the upper portion of the document and on the lower
15 portion of the document, but the other writing on
16 the page is not mine, nor is the slash mark through
17 the small box a third of the way down or any of the
18 rest of the handwriting on the page.

19 Q. All right. I'm going to show you
20 one more document.

21 A. And on Page 20, I did not mark any
22 of the slash marks on the page, nor write that
23 number. None of my writing is on Page 20. Yeah, my
24 numbers don't look at all like that. That's
25 somebody else's handwriting.

1 That is my signature on the pages,
2 though, but I didn't write the date, I didn't write
3 the time and I didn't do any slash marks through any
4 boxes.

5 Q. Is it your testimony here today
6 that the number on Page 20 was already written when
7 you signed the document, or would you have given
8 that number to whoever was filling the document out?

9 A. I don't remember that.

10 Q. Okay. Is it possible you could
11 have given that number to the person filling it out?

12 A. That's the last four numbers of my
13 Social Security number.

14 Q. Okay. Did you understand what this
15 number was for?

16 A. I don't know, actually. I'm trying
17 to remember, but I don't recall. Yeah, I don't
18 remember that.

19 Q. Do you remember them giving you
20 this number which will allow you to get records or
21 family members or friends of yours that you
22 designate?

23 INTERPRETER: This is the
24 interpreter asking you. I'm sorry. I don't
25 understand the question.

1 Q. (BY MR. YOUNG) Okay. If a family
2 member or a friend had this number, they could get
3 your health information.

4 A. I have no idea.

5 Q. Okay. Do you know how they would
6 have gotten this number unless you would have given
7 it to them?

8 A. I don't know.

9 Q. Okay. I'll give you one more
10 document.

11 A. Yeah, I don't know.

12 This is Page 22, correct?

13 Q. That's correct.

14 A. Yes, that's my signature on there
15 and it says by, but that's not my handwriting. I
16 didn't write anything else on that page.

17 Q. Okay. Do you know what that
18 document is?

19 A. Not at first glance, no. No.
20 Huh-uh. No.

21 It says surgery -- something about
22 surgery, but no. No, I don't understand what it
23 means.

24 Q. Okay. I'm going to hand you
25 another document.

1 MR. YOUNG: This will -- that one
2 would be Exhibit No. 3.

3 (Exhibit 3 marked).

4 (Exhibit 4 marked).

5 A. It says Medicare, about my rights,
6 and this is my signature on the bottom. There's a
7 date that I did not write. I didn't put that date
8 on there.

9 Q. (BY MR. YOUNG) All right. Can you
10 look at the middle of this page, sir, the bold font?
11 Do you see where my finger is
12 pointing?

13 A. Right here?

14 Q. Yes.
15 Can you read that?

16 INTERPRETER: He's mumbling to
17 himself.

18 A. Is it talking about discharge
19 something? Is that something about me going home?

20 Q. (BY MR. YOUNG) Yes.

21 A. Okay. So discharge meaning they
22 sent me home and I signed the paper. My doctor said
23 I could go home and I signed the paper.

24 Q. Okay. Did you object to being
25 discharged too soon?

1 A. I was frustrated without
2 communication, and I told the doctor I need it
3 explained through an interpreter. And the doctor
4 just decided to send me home, and so there I went.

5 Q. Well, did you observe -- who was
6 talking to the doctor for you?

7 A. It was an ER doctor, so I don't
8 know who that was. I don't remember the doctor's
9 name.

10 Q. Who was communicating with the
11 doctor for you?

12 A. It was my ex-wife and my daughter
13 together, between the two of them.

14 Q. Did you observe them sign to the
15 doctor that you didn't understand what was going on?

16 A. No, I wasn't paying attention at
17 all.

18 Q. You don't know what they were
19 saying.

20 A. No, I don't know. I mean, because
21 I can't hear them talking, so I don't have any idea
22 what they were saying.

23 Q. Well, did your daughter or your
24 ex-wife ever sign to you that the doctor said you
25 couldn't have an interpreter?

1 A. No, I don't think they said that.
2 I don't know. I don't have any idea. I didn't see
3 it, but I don't know.

4 Q. Okay. Do you remember how you got
5 home from the hospital that day after the first
6 visit?

7 A. I rode with my daughter.

8 INTERPRETER: Excuse me.

9 For the interpreter, a
10 clarification.

11 A. My girlfriend.

12 INTERPRETER: The interpreter made
13 a mistake. It wasn't my ex-wife.

14 Q. (BY MR. YOUNG) Did you go straight
15 home?

16 A. No, we went directly home.

17 Q. To your house at 128 Johnson Drive?

18 A. You're talking about the first
19 visit?

20 Q. Yes.

21 A. Yeah, directly home.

22 Q. Did you take the medication that
23 you were prescribed?

24 A. Yes, I got the medication. I can't
25 remember what kind it was, but I was in a lot of

1 pain. I was actually crying out in pain. I
2 couldn't sleep comfortably at all. The next day --
3 the next day -- yeah. Yeah, the next day I went to
4 Lenoir City -- well, I can't remember exactly which
5 day, but I know I went to Parkwest and then I went
6 to Lenoir City and that's when they found the blood
7 clot.

8 Q. Did they give -- when you left
9 after your first visit, what was your understanding
10 as to what to look out for, as far as whether you
11 would need additional care for your leg?

12 A. Not that I'm aware of. I was just
13 told to follow the paper, the directions on the
14 paper. It said follow the directions on the paper
15 and the medication. And I can't actually remember
16 who I was supposed to get in touch with, but I think
17 it was my primary physician. I don't recall exactly
18 what was on the list, but that's what I remember.

19 Q. Do you still have the list?

20 A. Somewhere. I don't know.

21 Q. You wouldn't have thrown it away,
22 would you?

23 A. No. I don't remember. I don't
24 remember. I don't remember that.

25 Q. Was there a reason you didn't go

1 back to your primary care physician instead of going
2 to Loudoun.

3 A. Because I was in a significant
4 amount of pain.

5 And what's the primary doctor going
6 to be able to do? I mean, he's going to tell me to
7 go to the emergency room. He's just going to send
8 me to the ER, and my gut instinct told me to go to
9 the ER.

10 Q. Is there any reason why you went to
11 Loudoun as opposed to back to Parkwest?

12 A. Because I wanted to get a second
13 opinion, and they found a blood clot and Parkwest
14 did not find a blood clot.

15 Q. When you got to Fort Sanders
16 Loudoun, did you request an interpreter?

17 A. Correct.

18 Q. Were you provided with an
19 interpreter?

20 INTERPRETER: For the interpreter,
21 say that again.

22 A. I arrived to Fort Loudoun in a
23 significant amount of pain. I asked for an
24 interpreter and they said fine. Then the doctor
25 recommended -- or the interpreter hadn't arrived

1 yet. They found a blood clot and it was too late.
2 They had already sent me to Parkwest.

3 So Loudon County -- or Loudoun
4 Hospital called Parkwest and I told them to have an
5 interpreter there when I got there, and they didn't
6 have an interpreter there. They used VRI and it
7 froze.

8 Q. (BY MR. YOUNG) When you arrived at
9 Parkwest, were you given a form as to choose what
10 means to assist you in communicating with the staff
11 there?

12 A. I'm sorry. I don't understand.

13 Q. Did they give you a form for you to
14 mark what your communication preference was with the
15 staff?

16 A. What form? What paper?
17 I don't get it.

18 Q. Okay. There you go.

19 A. I see this form I signed.

20 Q. Do you know what that form is?

21 A. For communication rights to an
22 interpreter for hearing impaired.

23 Q. And do you recall what you -- are
24 those your X's on there?

25 A. I know I signed it, but the X's I'm

1 not sure if -- I did sign it.

2 Q. Well, do you remember saying that
3 you were okay with -- strike that.

4 Do you remember marking that you
5 would like to request the use of a qualified
6 interpreter using Deaf Talk, which is a VRI
7 interpreting service that's available at the
8 hospital 24 hours a day, as well as the use of an
9 on-site qualified interpreter?

10 A. Like I said, I signed it but I'm
11 not sure who put the X's. I don't know who put the
12 X's. It wasn't me. The X's look the same as where
13 they've put the X for me to sign.

14 Q. Well, did you say you were okay
15 using VRI, as well as an on-site interpreter?

16 A. Yes, both.

17 MR. ROZYNSKI: Okay. Counsel, in
18 five minutes I need to break to hop on the
19 call.

20 MR. YOUNG: All right. I'll try to
21 get through this.

22 Q. (BY MR. YOUNG) So is it fair to say
23 at that point in time you were okay using either VRI
24 or an on-site interpreter?

25 A. Both, yes.

1 MR. YOUNG: Why don't we go ahead
2 and go to your call then.

3 Let's mark that as 5.

4 (Exhibit 5 marked).

5 (Off the record at 12:53 p.m.)

6 (On the record at 1:56 p.m.)

7 BY MR. YOUNG:

8 Q. While you were at Loudoun on --
9 this is October the 26th, which is two days after
10 your first admission to Parkwest following your
11 fall.

12 Are you with me?

13 A. Uh-huh.

14 Q. Did you use any type of VRI there,
15 if you recall?

16 A. When I arrived my ex-wife said we
17 needed an interpreter, and we waited and waited and
18 waited. Then they said it was going to be too long
19 to wait, and I went in to see the doctor and there
20 was an evaluation, x-ray and ultrasound, and then
21 they came in immediately and said, "There's a blood
22 clot." My ex-wife said, "What?" And they said,
23 "Blood clot." They said, "We are sending you to" --
24 the interpreter had not arrived yet. The
25 interpreter was not going to be on time.

1 Q. Are you familiar with something
2 called Language Line?

3 A. Live?

4 Q. Line.

5 A. No.

6 Q. So if someone were to testify at a
7 later date that VRI was used, you would dispute
8 that?

9 A. If the VRI was ready, that would
10 have been fine.

11 Q. I'm talking about Loudoun now.

12 A. They did not bring the VRI. I
13 prefer a live interpreter.

14 Q. All right. And they did a CT of
15 your leg to find out whether there was a clot there.

16 INTERPRETER: Clarification for the
17 interpreter.

18 Are we at Loudoun still?

19 MR. YOUNG: Yes.

20 A. I'm trying to remember. It was an
21 x-ray or an ultrasound or CT, one of those three.

22 I'm trying to remember. I do not remember.

23 MR. YOUNG: This will be Exhibit

24 No 6.

25 (Exhibit 6 marked).

1 Q. (BY MR. YOUNG) Mr. Tomei, is that
2 your handwriting on Exhibit 6?

3 A. Yes.

4 Q. Okay. Which parts are your
5 handwriting?

6 A. Patient signature.

7 Q. Anything else?

8 A. I did not write any of that. I
9 just signed the one place.

10 Q. Do you feel like there was adequate
11 communication or effective communication at Loudoun
12 between you and the staff there?

13 A. You mean did I feel comfortable at
14 the Lenoir City Hospital?

15 Q. Did you feel like they understood
16 what your problem was?

17 A. They found my problem.

18 Q. Okay. And the --

19 MR. ROZYNSKI: I'm sorry.

20 Q. (BY MR. YOUNG) So you would agree
21 that they were able to understand what your problem
22 was.

23 A. Yes, but not deep communication,
24 but I'm really glad that they found my problem.
25 That's it.

1 Q. Is there anything you don't feel
2 like they understood that you wanted them to
3 understand?

4 A. What do you mean again?

5 Q. Well, just what I said.

6 Was there anything that you felt
7 like they didn't understand or know about that you
8 wanted them to know?

9 A. Well, my daughter -- well, actually
10 not my daughter. I'm sorry. Not my daughter.

11 My ex-wife explained the various
12 aspects of my situation. She tried her best. And I
13 was showing exactly where I was in pain and where I
14 hurt. And they worked on fixing it, and that's when
15 they found my problem.

16 Q. So you were able to describe your
17 problem through your wife, they heard it and they
18 found the problem.

19 A. Yeah, I explained to my ex-wife and
20 she -- I showed her where it hurt. I pointed to
21 here, there, and the nurse was listening and they
22 had to send me to -- like I said, it was an x-ray or
23 an ultrasound or a CT scan, whatever they sent me
24 to.

25 Q. You would agree that the care they

1 provided identified your problem.

2 A. Correct.

3 Q. You were able to tell them your
4 surgical history regarding the cardiac stent that
5 you had had before.

6 A. Yes, I explained about my heart
7 hurting and my chest hurting and the doctor knew.

8 Q. You explained to them your smoking
9 history regarding 30 years of smoking one pack per
10 day.

11 A. Yes.

12 MR. YOUNG: This will be Exhibit

13 No. 7.

14 (Exhibit 7 marked).

15 Q. (BY MR. YOUNG) Can you read that,
16 sir?

17 A. Is this about my heart?

18 INTERPRETER: I just interpreted
19 the question as, "Can you read and
20 understand that?"

21 A. Do give -- something about results.
22 Did you have blockage? Stent.
23 Bypass. Bypass.

24 Q. (BY MR. YOUNG) Can you read the top
25 where it says, "Dye gives hot flash"?

1 A. I thought it was due. Due.

2 Q. It looks like a U to me, too, but
3 that's actually supposed to be a Y, I think.

4 Can you read that, sir?

5 A. "Dye gives hot flash."

6 Okay. Dye -- what does that mean?

7 Q. Well, when they did the CT exam,
8 did they do an injection with the dye?

9 A. Yes, I went into the CT and they
10 put dye through my body. I remember that, uh-huh.
11 I remember that.

12 Q. Okay. And do you think this could
13 be a piece of paper they gave you to communicate
14 with you about what was going to happen?

15 A. I don't remember that. I don't
16 remember this.

17 Q. And then they asked you a little
18 bit of your history evidently on this. They said,
19 "Did you have a blockage?"

20 "Stent."

21 A. Blockage. Stent. Yes, that's when
22 they went up through my groin.

23 Q. They told you that you had a
24 blockage in your leg; is that correct?

25 A. No, they said a blood -- I remember

1 they told me a blood clot, but not the word -- what
2 is it? Blockage.

3 I just -- most of them said, "Blood
4 clot, blood clot, blood clot."

5 Q. Okay. They told you that you had a
6 blood clot in your leg; is that right?

7 A. Yes, in the leg.

8 Q. Okay. And did they tell you that's
9 why they were transferring you to Parkwest?

10 A. Yes. Yes, that's why they sent me
11 to the hospital.

12 INTERPRETER: Excuse me. Say it
13 again.

14 A. They put me in the ambulance and
15 took me to the hospital.

16 INTERPRETER: That's an interpreter
17 error and correction.

18 (Exhibit 8 marked).

19 Q. (BY MR. YOUNG) Is your signature on
20 this sheet?

21 A. Yes. Yes. I didn't write a date
22 or anything. I signed it, but I didn't write the
23 date or the time.

24 Q. Okay. Do you have any reason to
25 doubt, other than the date or the time?

1 A. I wasn't paying attention to the
2 time, so I don't remember.

3 Q. Okay. Did anyone explain to you
4 what this document was before you signed it?

5 A. I remember mostly the nurse giving
6 me papers and just asking me to sign and pointing a
7 finger at the signature line, but there weren't any
8 explanations that I can recall.

9 Q. Did you ask for an explanation?

10 A. Many times. They just said, "Just
11 sign, just sign." There was no communication.

12 Q. Okay. Is it your testimony here
13 today that you were asking --

14 A. So the nurses or doctor -- most of
15 the time it was the nurses, what they did was this:
16 They would indicate where the signature needed to be
17 on each paper. There was no explanation.

18 Q. Did you -- is it your testimony
19 that you asked for an explanation and an explanation
20 was refused?

21 A. I would give this gesture. "Was it
22 a doctor release? Is it medication? What is it?"
23 I tried to understand and I didn't.

24 INTERPRETER: The second half of
25 the question, may I interpret the second

1 half about the refusal?

2 MR. YOUNG: Sure.

3 A. And nobody said that.

4 Q. (BY MR. YOUNG) No one refused to
5 explain things to you; is that correct?

6 A. Who would have refused?

7 Q. The staff at Parkwest -- I'm sorry.
8 The staff at Loudoun.

9 A. No. No. I don't remember. I
10 mean, I was in -- I was under sedation. I think
11 it's a medication to make me sleep heavy, and so I
12 don't really remember. I'm trying to remember
13 but --

14 Q. Is it possible that your ex-wife
15 could have attempted to explain some of these
16 documents to you and you just don't remember?

17 MR. ROZYNSKI: Objection to form.

18 A. Yeah, my ex-wife didn't explain
19 anything. No.

20 Q. (BY MR. YOUNG) Well, isn't it fair
21 to say that you were under a lot of medication and
22 we are talking about events that happened two years
23 ago and your memory is not very good about these
24 events?

25 A. Well, I really tried. I mean, in

1 all honesty, I don't remember the medications. I
2 was -- I was depressed. I was angry. I was -- I
3 was having no communication. It was a perfect storm
4 of frustration, and they handed me the paper and I
5 signed the paper. Just, you know, it happened very
6 quickly.

7 Q. So is it possible you did not ask
8 for an explanation of what the papers were that you
9 were signing?

10 MR. ROZYNSKI: Objection to form.

11 Q. (BY MR. YOUNG) Go ahead.

12 A. No, I don't remember asking for
13 clarification of what the papers were for.

14 Q. Okay. When you got to Parkwest,
15 there was not an in-person interpreter there; is
16 that correct?

17 INTERPRETER: For the interpreter,
18 is this the second time when we went from --

19 MR. YOUNG: Yes. I'm sorry.

20 A. So the second time I was at
21 Parkwest -- the second time in Loudoun?

22 INTERPRETER: He's asking to
23 clarification.

24 Q. (BY MR. YOUNG) Well, October the
25 24th, 2017 was the first visit to Parkwest. October

1 the 26th of 2017 you went to Loudoun and then that
2 same evening you were transferred to Parkwest. So
3 that's the second visit after the fall.

4 A. Yes. Parkwest. Loudoun.
5 Parkwest. Got it.

6 Q. On the second visit to Parkwest, on
7 the 26th of October, 2017, what happened after you
8 arrived at the ER?

9 A. I got there. I don't remember
10 anything. They gave me pain medication and it was
11 heavy sedation. I don't remember anything after
12 that. My daughter and ex-wife tried to get or find
13 an interpreter, and I don't know what was going on.
14 I was there but I was all -- I was all tanked up on
15 medication.

16 Q. Okay. So is it correct to say
17 that, because of your heavy sedation, you're not
18 aware of what efforts your wife or your daughter may
19 have been making to get an interpreter; is that
20 correct?

21 A. I understand a little bit, but with
22 an interpreter I was going to understand a lot more,
23 but there was no communication at all.

24 Q. Did your wife and daughter -- I'm
25 sorry, ex-wife and daughter travel with you in the

1 ambulance to Parkwest from Loudoun?

2 A. No, that was just me.

3 Q. So they met you there?

4 A. Correct.

5 Q. Did you personally request an
6 interpreter once you got to Parkwest, or is that
7 something your wife and daughter did for you?

8 A. At the Lenoir City Hospital I asked
9 the nurse, "Please call Parkwest Hospital and get me
10 an interpreter." Then they said, "Fine, we are
11 going to send you to Parkwest and when you
12 arrive" -- when I arrived there was no interpreter.

13 Q. Did you ask for a VRI?

14 A. If it was VRI or an in-person
15 interpreter, whatever, but I got there and the VRI
16 interpreter kept freezing and freezing and freezing,
17 and I said, "I need an in-person interpreter because
18 the VRI is freezing. I would rather have a live and
19 in-person interpreter because it's easier to
20 communicate."

21 Q. Who was present when the VRI was
22 freezing?

23 A. It was me, the ex-wife, my
24 daughter, my girlfriend, the nurse, the doctor.
25 That was -- yes, uh-huh. Yes, and that's it.

1 Q. Was Dr. Pollock present?

2 INTERPRETER: Spell for the
3 interpreter, please.

4 MR. YOUNG: P-o-l-l-o-c-k.

5 A. There was a surgeon there. I
6 remember that, but a doctor was trying to talk and
7 he kept talking and I was trying to show him that
8 the video was freezing, but he kept talking anyway
9 and we finally -- we shut it off because there was
10 just no communication happening.

11 Q. (BY MR. YOUNG) Was this the same
12 surgeon who did the catheter and the stent later on
13 while you were at Parkwest?

14 A. I don't remember which doctor was
15 there for that. I know Pollock is a surgeon. I
16 remember the surgeon, but the other doctor I don't
17 recall. I don't recall. I mean, like I said, I was
18 under heavy sedation. I don't remember who was
19 there.

20 Q. Did anyone tell you that you could
21 not have an interpreter?

22 A. No, no one said that.

23 Q. Was that --

24 A. I mean, I was there but I couldn't
25 hear any of the conversation happening around me.

1 So they may have said it and I didn't hear them. I
2 mean, because nurses and the doctors are talking all
3 the time, and I'm completely lost because I can't
4 hear.

5 Q. Well, your daughter was there.

6 A. Yes. Yes.

7 Q. And your ex-wife was there.

8 A. Yes.

9 Q. And your girlfriend was there.

10 A. Yes.

11 Q. Did they ever tell you --
12 throughout the course of your stay at Parkwest from
13 October the 26th of 2017 to your discharge of
14 October the 30th of 2017, did any of your family
15 members or girlfriend or ex-wife ever tell you that
16 you had been refused an interpreter?

17 A. No, they didn't say anything.

18 Q. You were --

19 MR. ROZYNSKI: He's still in the
20 middle of his answer.

21 A. I'm trying to remember. There was
22 so much information. There was something about
23 using VRI and I don't remember. I mean, I'm trying
24 to remember, but like I said, the medication I was
25 on makes it very foggy.

1 Q. (BY MR. YOUNG) The next morning
2 that you were there you saw -- you had the catheter
3 in your leg put in by Dr. Pollock.

4 Do you remember that?

5 INTERPRETER: For the interpreter,
6 for clarification, is that October 27th?

7 MR. YOUNG: Yes.

8 A. I went into the OR and there was a
9 VRI, I think -- it was like -- no, it was pre-op.
10 And the nurse brought in a VRI and it kept freezing
11 repeatedly, and then the nurse went to get my
12 daughter. She came into pre-op and then the other
13 nurse said, "Nobody can come in," but I'm like, "I
14 need communication."

15 My daughter told me what happened
16 at this point. So she came in and the nurse told
17 her, "Nobody can come in, you've got to have a mask
18 and a head covering and scrubs and stuff." So my
19 daughter left. So she was in pre-op -- well,
20 everybody in the pre-op had masks and head coverings
21 and everything, and my daughter had nothing on.

22 Q. (BY MR. YOUNG) Is it your testimony
23 that the VRI did not work at all during the
24 procedure on October the 27th of 2017 where the
25 catheter was placed in your leg?

1 A. Correct. It froze repeatedly.
2 That's why the nurse called my daughter to come in.
3 The other nurse said no, that she couldn't come in.
4 Then the nurse is like, "I need to communicate with
5 him," and so they sent her out.

6 Q. I'll hand you a document.
7 (Exhibit 9 marked).

8 A. Is this 8 or 9?
9 Oh, got it. Sorry.

10 Q. (BY MR. YOUNG) Is any of your
11 handwriting on this page, Page 257?

12 A. Okay. I see my -- ST, initials.

13 Q. Can you read --

14 A. Do you want the next page?

15 Q. Not yet.
16 Under No. 2, can you read what that
17 says?

18 A. No. 2 is that the --

19 INTERPRETER: Give it to me in
20 chunks, because you are doing this and I
21 have no idea what you are signing, okay?

22 MR. YOUNG: I'm talking about the
23 handwriting.

24 A. "Go through the artery in my leg to
25 see for a clot and fix it."

1 Q. What did you understand that to
2 mean?

3 A. It sounds to me like the doctor is
4 going to go in and fix the blood clot and he's
5 already fixed it.

6 Is that right?

7 Q. (BY MR. YOUNG) So he's going to go
8 in and try to fix your blood clot through the artery
9 in your leg.

10 A. Okay.

11 Q. And you understood that's what he
12 was going to do before he did it; is that correct?

13 A. Yes. I'm trying to remember. I'm
14 trying to remember the doctor writing this. I mean,
15 I signed it, but I'm trying to remember.

16 Q. Before you had the surgery, did you
17 understand what the doctor was going to be doing?

18 A. I remember -- I can't remember if
19 it was my ex-wife or girlfriend. They said surgery
20 would clean out the blood clot. I remember that
21 part. After that it's a loss. I have no idea.

22 Q. Would you agree, because you can't
23 remember as we sit here today, that it's possible
24 that the description we have here written under
25 No. 2 in the quotes is exactly how they explained

1 the procedure to you?

2 MR. ROZYNSKI: Objection to form.

3 INTERPRETER: I'm confused.

4 You are using they, and I don't
5 know who "they" is.

6 MR. YOUNG: Okay. They are the
7 doctors or the staff at Parkwest.

8 MR. ROZYNSKI: Objection to form.
9 You can answer.

10 A. No, I don't remember that.

11 Q. (BY MR. YOUNG) Well, isn't it true
12 that you don't really have much memory of it period?

13 MR. ROZYNSKI: Objection to form.
14 You can answer.

15 A. Yeah, we are talking heavy
16 sedation. I'm trying to remember. Yeah, I don't
17 know. I don't know.

18 Q. (BY MR. YOUNG) Isn't it true that
19 you can't honestly say that the doctors or staff
20 didn't advise you as to what was going to happen
21 with your leg?

22 MR. ROZYNSKI: Objection to form.

23 Q. (BY MR. YOUNG) Go ahead.

24 MR. ROZYNSKI: You can answer.

25 A. If there was an interpreter there I

1 would have known, but there was no communication. I
2 have no idea. I don't know.

3 Q. (BY MR. YOUNG) Well, you were able
4 to read that today as we sit here, weren't you?

5 You were able to read the
6 handwriting under No. 2.

7 MR. ROZYNSKI: Objection to form.

8 Q. (BY MR. YOUNG) Go ahead.

9 A. That is English and sign language
10 are very different. So this is not explained in
11 sign language. I don't understand.

12 Q. Is it your testimony here today
13 that you had no idea that they were going to go
14 through your artery to try to fix the clot in your
15 leg?

16 A. That blood clot, I knew they were
17 going to do surgery. Again, when I went in to the
18 pre-op, I already knew what they were going to be
19 doing.

20 Q. Okay. Thank you.

21 Going on to Page 258, is that your
22 signature there?

23 A. Yes.

24 Q. I want you to look at the next two
25 pictures.

1 A. Can I ask you a question?

2 Q. No.

3 I would like you to look at the
4 next pictures as a collective exhibit.

5 MR. YOUNG: What number are we on,
6 10?

7 COURT REPORTER: Yes.

8 (Exhibit 10 marked).

9 Q. (BY MR. YOUNG) Do you recognize
10 what that is?

11 A. Yes, this is VRI.

12 Q. Is that the same VRI that was used
13 while you were at the hospital on October the 26th
14 through October the 30th of 2017?

15 A. I mean, it could be. It could be a
16 different --

17 Q. The same type of machine?

18 A. Yes. Yes.

19 Q. After your surgery, did you make
20 any additional requests for -- or did you make any
21 requests for a live interpreter?

22 A. Yes.

23 Q. When did you do that?

24 A. I'm trying to remember. I asked --
25 I needed a real interpreter, a real interpreter, and

1 I waited. And they used the VRI. I said, "No, I
2 don't want VRI. It keeps freezing." And I can't
3 remember what nurse it was. Was it a nurse? A man
4 or woman? I can't remember, and I remember the
5 nurse saying she was sorry -- or he or she was
6 sorry.

7 Q. Who told you that the nurse said
8 she was sorry?

9 A. My daughter said she's trying her
10 best, sorry.

11 Q. So your daughter told you that the
12 nurse was trying to get an interpreter?

13 MR. ROZYNSKI: Objection to form.
14 You can answer.

15 A. It was not trying her best. I
16 cannot remember the exact phraseology. I remember
17 she said sorry for something. I don't remember
18 exactly. I'm trying to remember but --

19 Q. (BY MR. YOUNG) So you're not sure
20 if she was saying she was sorry about the
21 interpreter issue; is that true?

22 A. I'm trying to remember and I can't
23 remember. I mean, was it about VRI? Was it about a
24 live interpreter? I don't know.

25 Q. Is it your testimony that

1 throughout the course of your stay at Parkwest that
2 the VRI never worked?

3 A. Yeah. They tried and it froze the
4 entire time.

5 Q. Was there ever an occasion where it
6 lagged momentarily and then you would be able to
7 speak with the interpreter on the VRI machine for a
8 period of time?

9 A. When they first opened it up, there
10 was an ID number for the nurse and then it froze,
11 and then it froze. Then there was a little bit of
12 communication and then it would freeze. Then it
13 skipped. Then it skipped. Then it froze. It was
14 on and off.

15 I said, "I really need a live
16 interpreter because it just keeps freezing," and it
17 would unfreeze and freeze and unfreeze and freeze.

18 Q. Was there ever an occasion when you
19 were in the hospital that you didn't get something
20 you needed, as far as something for your room or
21 care, because a live interpreter wasn't there?

22 MR. ROZYNSKI: Objection to form.
23 You can answer.

24 A. Mostly I'm not satisfied with the
25 care. I needed to be able to communicate with staff

1 about my needs. I mean, we were all very, very
2 emotional and there was no communication happening.

3 Q. (BY MR. YOUNG) Your leg was in
4 pain; is that correct?

5 A. Correct.

6 Q. Your leg was in pain from the time
7 you got to Parkwest on October the 26th to the time
8 of your discharge on October the 30th; is that
9 correct?

10 A. I remember the 26th through the
11 30th I was in a significant amount of pain, sharp
12 pain, burning, and then I was complaining about the
13 frustration and the pain that I was in. I kept
14 saying, "I'm hurting, I'm hurting," and the nurse
15 would give me medication. I was just like, "I need
16 to talk to somebody," and I remember the pain
17 just -- yeah, definitely from the 26th through the
18 30th.

19 Q. Was there something you wanted them
20 to do other than give you additional medication to
21 address your pain?

22 A. They gave me -- I'm not sure what
23 it's called but it's -- I'm not sure. It's this
24 huge name for the medication, but it's a painkiller
25 and the pain increased and then decreased and then

1 increased and then decreased.

2 Q. Were you ever asked to put a number
3 on the level of pain that you were in?

4 A. Yeah. They showed a picture on the
5 wall and pointed to the pain scale and there's some
6 smiley faces and then there's a frowny face and it
7 had the numbers 0 through 10.

8 Q. What was your understanding of what
9 0 meant?

10 A. Zero means no pain and 10 means I'm
11 in pain.

12 Q. Would 10 be the most pain you could
13 be in?

14 A. Correct.

15 Q. Did you ever tell them that you
16 were in a level 10 of pain?

17 A. Yes, I held up both hands with all
18 my fingers to indicate 10.

19 Q. Would you agree if they charted 10
20 that they understood your level of pain?

21 A. I don't know. I don't see what she
22 wrote.

23 Q. If she had written a 10, would that
24 accurately reflect what you had told them with
25 regard to your level of pain?

1 A. So the nurse pointed to the 10 on
2 the face indicator and looked at me and I shook my
3 head yes at the number 10.

4 Q. Okay. And my question to you is if
5 she understood that your pain level was a 10 and
6 wrote down 10 in the record, she would be accurately
7 reflecting what you were telling her in regard to
8 the amount of pain you were in; isn't that true?

9 A. I believe the nurse understood.

10 Q. Was that true for all of the nurses
11 you dealt with or just one or two? Explain that to
12 me.

13 A. Yeah, that's 50/50.

14 Q. Was there any nurse that you dealt
15 with that you feel like didn't understand the pain
16 you were in?

17 A. I don't remember which one. I'm
18 trying to remember. There was one good one but the
19 rest of them, not so much.

20 Q. What didn't you like about the
21 other ones?

22 A. Most of them -- do you read lips?
23 I don't even understand what they are saying. They
24 don't write it down. They just write very simple
25 sentences. They bring the VRI in. It doesn't work.

1 I want a live interpreter. They don't get one. The
2 VRI is freezing.

3 Q. But my question was, was there any
4 nurse who didn't understand what was going on with
5 your pain level?

6 A. What I remember is the nurses using
7 the smiley and frowny face chart from 0 to 10. That
8 was only the one nurse, and the other -- there was
9 one nurse that used the emoticon chart, and then the
10 other nurses came and did not. I slept and then the
11 next day I was in a lot of pain and still in pain.
12 I was like, "Yes."

13 Q. Would you agree that your pain went
14 up and down while you were there?

15 A. No, it escalated the entire time I
16 was there. It got worse and worse and worse.

17 Q. Well, weren't there occasions after
18 you received pain medication that your pain would
19 come down a little bit?

20 A. When I was in pain, I mean high
21 pain, I would sleep through it and then I would wake
22 up because I was back in pain again.

23 Q. So you would agree that your pain
24 would come down and then come back up, which would
25 wake you up; is that true?

1 A. Yes. I was in pain consistently.

2 Q. How was -- based on your
3 observation, were you ever able to tell whether or
4 not the blood flow ever returned to your foot while
5 you were there in the hospital?

6 A. I saw or noticed a color change.
7 That's what I noticed.

8 Q. From what to what?

9 A. It became blue to black and that's
10 it.

11 Q. Is this after the stent was put in?

12 A. That was after.

13 Q. So is it your testimony --

14 A. So before the stent I was in a
15 significant amount of pain, and there was just a
16 little -- there was a little bit of blue before the
17 stent. There was a little bit of blue.

18 After the stent it got worse and
19 worse and the color changed. And the doctor gave me
20 a medication, an antibiotic, and I had to keep
21 taking that. And I -- and painkillers. I had to
22 follow the paper. There was a list.

23 Q. Do you recall if you were awake for
24 either of your leg procedures, either when they put
25 the catheter in or when they put the stent in?

1 A. Not the catheter. They went in in
2 here where I'm indicating, and I think it was the
3 stent. I guess that's the name of it. I remember
4 that. But a cath, no.

5 Q. Did you expect an interpreter to be
6 with you every moment while you were in the
7 hospital?

8 A. No, just when I need the -- when
9 the doctor comes to talk to me, the interpreter
10 should be there. If the nurse needs to talk to me,
11 then yes. I don't need somebody watching me 24/7,
12 but I do need to be able to communicate with my
13 providers when an interpreter is there.

14 Q. So you would have expected to have
15 a live interpreter when the doctor came to speak
16 with you; is that correct?

17 A. Absolutely. Doctors and nurses.

18 Q. Now, nurses come by every hour or
19 so, right?

20 A. Yes.

21 Q. Are you saying you would have
22 expected a live interpreter to have been there every
23 single time they came by to check on you?

24 A. Not for some things. I mean, if
25 they are just checking my blood pressure, of course

1 not. But if a nurse is needing to talk to me about
2 something important, yes, I expect an interpreter to
3 be there.

4 Q. So you would agree that for routine
5 check-ins, so to speak, to check your vital signs or
6 to give you -- to make sure you didn't need anything
7 to eat or drink, an interpreter wouldn't be required
8 for those occasions.

9 A. Not for vitals. You know, if they
10 can show on a --

11 INTERPRETER: Are you saying a box?

12 A. On a paper they gave me food
13 options, I would just point to what was available.
14 I wouldn't need an interpreter for that.

15 But for pain, I need to talk to my
16 provider about my pain and what's going on and what
17 I'm feeling, yes, I need an interpreter. But for
18 blood pressure and vitals, no. I mean, you know,
19 they just come in and touch my arm and I know they
20 are going to take my blood pressure and then they
21 leave, yeah.

22 Q. (BY MR. YOUNG) Other than your pain
23 level, was there anything else that you didn't feel
24 like was being adequately communicated without the
25 aid of an interpreter?

1 A. Hmm. Parkwest Hospital doesn't
2 communicate. Yeah, even the second time I was
3 there, no communication the entire time I was there.

4 Q. My question is, substantively,
5 other than the level of pain that you were in, was
6 there any other information that Parkwest didn't
7 know that they would have known had an interpreter
8 been present?

9 MR. ROZYNSKI: Objection.
10 Objection to form.

11 Q. (BY MR. YOUNG) Go ahead.

12 MR. ROZYNSKI: You can answer.

13 A. When the doctor came in to talk to
14 me, there was no communication. I mean, we are
15 talking something important and I didn't have
16 communication with a doctor nor a nurse.

17 Q. (BY MR. YOUNG) Now, when you are
18 saying when the doctor came in, what occasion was
19 this?

20 A. Mostly the doctor talked to my
21 daughter. I mean, he never talked to me. He would
22 just look and touch and feel, put a thumbs up and
23 then walk away. The doctor never engaged with me as
24 the patient. He talked to my daughter and my
25 ex-wife.

1 Q. Were your daughter and your ex-wife
2 communicating to you what the doctor was saying in
3 sign language?

4 A. My daughter and my ex-wife were
5 very emotional while I was there, and they were
6 trying to understand in their emotional state what
7 was going to go on with surgery. They were trying,
8 but it was -- no. No, it was not working.

9 Q. How many times -- when we are
10 talking about the doctor, are we talking about
11 Dr. Pollock?

12 A. I don't remember. I remember
13 Dr. Pollock was the surgeon, but there was another
14 doctor -- there was another doctor. There was a
15 doctor after surgery. There were two doctors, but
16 the doctor never talked to me directly as the
17 patient. He would just look at my leg, touch a bit
18 with his hands and that was all.

19 Q. Was there an examination that he
20 did not perform that you felt like he should have
21 performed?

22 MR. ROZYNSKI: Objection to form.
23 You can answer.

24 A. If there was an interpreter there,
25 I would have engaged in conversation about my care

1 with my doctor, but there was no interpreter there.
2 So he did what he needed to do and that was it.

3 Yeah. Yeah.

4 Q. (BY MR. YOUNG) How many times did
5 you speak with Dr. Pollock?

6 A. I don't remember. I don't know.
7 Maybe four times, give or take.

8 Q. If you had had a live interpreter
9 present, what would you have liked to have told
10 Dr. Pollock?

11 MR. ROZYNSKI: Objection to form.
12 You can answer.

13 A. If he was there with an
14 interpreter, I would have went in depth on exactly
15 what I was experiencing with my pain.

16 Q. (BY MR. YOUNG) And that's what I'm
17 trying to get at.

18 Other than the type or level of
19 pain you were experiencing, was there anything else
20 that you were not able to communicate to either
21 Dr. Pollock or the nurses at Parkwest because of the
22 absence of a live interpreter?

23 MR. ROZYNSKI: Objection to form.
24 You can answer.

25 A. What do you -- I'm not

1 understanding the question.

2 Q. (BY MR. YOUNG) Well, I don't
3 understand either because I'm asking you a pretty
4 simple question, really.

5 Other than the type of level --
6 other than the type of pain you were experiencing,
7 was there anything else that you would have
8 communicated to either Dr. Pollock or the nursing
9 staff at Parkwest that you weren't able to express
10 because of the absence of a live interpreter?

11 MR. ROZYNSKI: Objection to form.
12 You can answer.

13 A. Anger. Anger. Anger and
14 frustration about not having communication, about
15 not having an interpreter there.

16 Q. (BY MR. YOUNG) Is that all?

17 A. Frustration. Anger. Upset.

18 If you're saying the doctor would
19 have an interpreter, if that's what you're asking me
20 and what I would tell him -- okay. So you're saying
21 that the doctor comes in with an interpreter. We're
22 not talking about the pain level. We are talking
23 about something else. What I would tell him is if
24 my circulation was right, is the surgery going to be
25 successful, those types of things.

1 Q. Okay. You've told me what you
2 would have told Dr. Pollock.

3 Anything you would have told the
4 nurses?

5 A. With an interpreter -- I just want
6 to make sure I'm clear.

7 Are you talking about a nurse or a
8 doctor with an interpreter before surgery? After
9 surgery? During surgery? When are you wanting?

10 Q. At any point in time during your
11 admission to Parkwest, other than your pain level,
12 was there anything else that you weren't able to
13 communicate to a nurse because an interpreter was
14 not available?

15 A. There was -- let's just say that
16 there was an interpreter there after surgery. I
17 would have told them the same thing that I just told
18 you about the doctor. I'm frustrated. I'm angry.
19 I'm not happy.

20 Q. Do you have any way of knowing how
21 that would have affected the treatment you received?

22 INTERPRETER: Okay. He's saying
23 the therapy -- I think the interpreter could
24 have interpreted that question better.

25 If you don't mind, could I

1 interpret it again?

2 MR. YOUNG: Sure.

3 INTERPRETER: I used the sign
4 therapy. I could have used a better sign.
5 I apologize.

6 MR. YOUNG: All right. Can you
7 read the question?

8 (Whereupon, the requested portion
9 of the transcript was read back by the court
10 reporter)

11 A. Okay. I just want to make sure I'm
12 clear.

13 If the nurse was there with an
14 interpreter and I told them what I thought -- you're
15 wanting the situation with an interpreter in the
16 room, correct?

17 Q. (BY MR. YOUNG) Yes.

18 A. With an interpreter. Okay. You're
19 asking me what I would have told them.

20 INTERPRETER: The question is not
21 interpreting well. Sorry.

22 Q. (BY MR. YOUNG) What types of
23 treatment would they have given you differently than
24 what they gave you if an interpreter -- well, strike
25 that.

1 If you had been able to communicate
2 all of the things you wanted to through a live
3 interpreter to the nurses, do you have any way of
4 knowing if that would have changed the care you
5 received?

6 A. I think their care would have been
7 better.

8 Q. In what way?

9 A. Okay. I'm trying to understand the
10 question.

11 Q. Well, I can't make it --

12 A. I would have gotten good care. I
13 would have gotten good care.

14 Q. How was the care not good?

15 A. Without good care, I would be
16 upset.

17 Q. How was the care not good?

18 A. If they didn't take care of me -- I
19 believe that the care for me would have been better
20 if there would have been an interpreter there.

21 Q. Can you give me any example of how
22 your care would have been different if the
23 interpreter had been present?

24 INTERPRETER: The question is not
25 interpreting well. I'm not sure why I'm --

1 the interpreter is struggling. I'm not sure
2 why it's not clear.

3 This is the interpreter. If I have
4 like very concrete examples of this would be
5 an example of not good care, this is an
6 example of good care, the interpretation
7 would be clearer.

8 MR. YOUNG: Okay.

9 INTERPRETER: I know that we can't
10 give examples, so I'm just fighting with
11 this.

12 MR. YOUNG: All right.

13 INTERPRETER: Because ASL is just
14 very concrete.

15 Q. (BY MR. YOUNG) Was there any
16 treatment that you wanted that you didn't get from
17 the nurses or the doctors at Parkwest?

18 A. Care or treatment? Let me see if I
19 understand what you are meaning.

20 Care and treatment, aren't they the
21 same thing?

22 Q. Yes. Yes.

23 A. Okay. So care and treatment should
24 help me feel better. If I had an interpreter, yes,
25 that would help.

1 Q. While you were at Parkwest, you
2 received a stent.

3 A. Yes.

4 Q. And you received pain medication
5 for your pain.

6 A. Yeah, I remember them giving me
7 medication.

8 Q. Is there anything else they could
9 have done that they didn't do?

10 A. Give me something to make me feel
11 and be -- feel better and be in less pain and take
12 care of my leg.

13 Q. Was someone with you -- let me
14 strike that.

15 Was your daughter, ex-wife and
16 girlfriend with you all -- strike that.

17 Was your daughter, ex-wife and
18 girlfriend with you every single day you were at
19 Parkwest from October the 26th, 2017 to October the
20 30th of 2017?

21 A. My daughter, Pei and my ex-wife and
22 my mom came to visit, and they kind of were on a
23 rotating schedule.

24 Q. Is your mom fluent in ASL?

25 A. No. She does home signs.

1 Q. Was there ever an occasion when
2 neither your daughter nor your ex-wife were present?

3 A. Yeah. Yes, my girlfriend would
4 have been there and my mom would have been there.

5 Q. Okay. Do you remember what days
6 which person was there?

7 A. No. No idea. No idea.

8 Q. Amongst your -- well, does your
9 girlfriend read lips?

10 A. No. No, not very well.

11 Q. Does your ex-wife read lips?

12 A. She can read lips better than me,
13 and she -- there's a lot of misunderstandings and
14 she'll ask repeatedly for a repeat.

15 Q. Despite the fact that she has to
16 ask for repeats, does she generally get to the
17 information that she needs?

18 MR. ROZYNSKI: Objection to form.

19 You can answer.

20 A. No. No, that's not -- that's not
21 usually how it goes. Anything with any large words
22 she doesn't get at all.

23 Q. (BY MR. YOUNG) On October 30th,
24 2017, you left Parkwest.

25 A. Yes, the last day I was released

1 from the hospital. I can't remember exactly which
2 day. Maybe it was October 30th, yes, but I was
3 released from the hospital.

4 Q. Do you remember if an
5 interpreter -- a live interpreter was present on the
6 30th?

7 A. No.

8 Q. Do you remember if VRI was used on
9 the last day you were in the hospital?

10 A. No.

11 Q. Who was with you when you were
12 discharged from the hospital?

13 A. I think Pei was there and the
14 ex-wife. I think. I'm not sure. I'm not sure.

15 Q. Do you remember meeting with a
16 physical therapist on the last day you were at the
17 hospital?

18 A. Yes.

19 Q. Do you remember conducting therapy
20 at the hospital?

21 A. Yes, I remember a therapist coming
22 in. She saw my leg. It didn't look good. She
23 called over to --

24 INTERPRETER: She called who?

25 A. To Parkwest Hospital, Dr. Pollock,

1 and then the doctor sent me to the primary,
2 Dr. Holmes, and I got there and he took a look-see
3 and sent me back.

4 INTERPRETER: Wait. He sent you
5 back?

6 A. Back to Parkwest and I said, "No, I
7 need a place where they are going to provide an
8 interpreter." So he suggested I go to the
9 University of Tennessee Hospital.

10 Q. (BY MR. YOUNG) That was two or
11 three days after you left Parkwest, though, wasn't
12 it?

13 A. Let's see. October 31st.
14 November 1st. I -- October 31st. November 1st.
15 November 2nd. So there's October 31st to
16 November 2nd, somewhere in that time frame that
17 happened.

18 Q. Do you remember the physical
19 therapist asking you to stay longer to continue more
20 therapy?

21 INTERPRETER: For the interpreter,
22 stay longer where?

23 MR. YOUNG: At the hospital.

24 A. No, she never said nothing like
25 that. The therapist -- the therapist or the doctor

1 said that the leg didn't look good, and that's why
2 they called the Parkwest doctor.

3 Q. (BY MR. YOUNG) I'm talking about
4 the last day you were at Parkwest.

5 A. In the hospital?

6 Q. Yes. Your last day at Parkwest,
7 October the 30th of 2017 --

8 A. Okay. October 30th Dr. Pollock
9 said he was going to send me home, gave me an
10 antibiotic and painkiller.

11 Q. You don't remember meeting with the
12 physical therapist?

13 A. And they released me and sent me
14 home.

15 I remember a nurse saying physical
16 therapy was going to come to my home.

17 Q. Do you remember it being --

18 A. And it was a therapist or a nurse,
19 a home visiting nurse, that kind of thing.

20 Q. Do you remember the physical
21 therapist encouraging you to stay at the hospital to
22 continue more therapy or go to a rehab center for
23 therapy?

24 A. No, never told me anything like
25 that.

1 Q. You weren't -- let me back up.

2 Had you had a chance to smoke
3 during the time you had been in the hospital from
4 October the 26th of 2017 through October the 30th,
5 2017.

6 A. No, not in the hospital. They gave
7 me a patch or -- no, I don't think I even got a
8 patch, but I didn't smoke during that time. No.
9 Huh-uh. Yeah, the hospital doesn't allow smoking.

10 Q. Were you interested in getting a
11 cigarette?

12 A. You mean in the hospital?

13 Q. No. Were you interested in getting
14 out of the hospital so you could smoke?

15 A. No. No, I was focusing on my leg.

16 Q. Did you smoke when you left the
17 hospital?

18 A. No. No.

19 Q. Well, you're still a smoker as of
20 today, aren't you?

21 A. No, I didn't smoke that day. No.
22 No.

23 And yes, I do smoke today.

24 Q. A pack per day?

25 A. Correct.

1 Q. Was there a period of time when you
2 stopped smoking?

3 A. I think maybe two or three months
4 ago I did stop for a month.

5 Q. Did you stop for any period of time
6 after you left Parkwest on October the 30th, 2017?

7 A. October 26th through the 30th, I
8 didn't smoke during that time frame.

9 Q. Did you quit smoking for a period
10 of time after you left Parkwest?

11 A. So from October 30th, I didn't
12 smoke that day. November 1st, not smoking then
13 until -- gosh, it was a few months later that -- I
14 hadn't smoked for a few months, and then a few
15 months later I went back to smoking after leaving.

16 Q. Do you have dogs?

17 A. Yeah.

18 Q. Was anyone taking care of your dogs
19 while you were in the hospital?

20 A. I have a friend.

21 Q. Were you anxious to get home to
22 your dogs?

23 A. Not really. I mean, I need to be
24 healthy and feel better and was focusing on myself.
25 I mean, of course, I love the dog, but no, I was an

1 emotional wreck.

2 Q. Do you recall telling the staff
3 that you did not have steps in your home and you
4 would be able to do therapy at your house?

5 A. I don't remember saying my home
6 didn't have stairs.

7 Yes, I remember physical therapy
8 happening in my home.

9 There's two steps to get in to my
10 home, and my friend has -- my girlfriend's apartment
11 has 20 steps. My house has two steps to get in.

12 Q. Okay. Other than the two steps to
13 get in, does your house have any other steps?

14 A. No, it's flat.

15 Q. Were you able to do physical
16 therapy at your house?

17 A. They came.

18 Q. Did you receive home health after
19 you left the hospital?

20 A. Yes. A health nurse, is that what
21 you are asking about that came to the house?

22 Q. Yes.

23 A. Yes, she came.

24 Q. What did they do for you?

25 A. They checked my leg, took a look at

1 it, told me it didn't look good, that it looked bad,
2 so she called the doctor -- yes, called to the
3 doctor, Dr. Holmes, and I went there to see him.

4 Q. Did you just see the home health
5 care nurse once?

6 A. Okay. It was just one day.
7 Excuse me. Which date are you
8 asking?

9 Q. I'm trying to find out what
10 happened between October the 30th of 2017 and when
11 you went to Dr. Holmes.

12 A. Yes, she came one time.

13 Q. Okay. And she told you to go to
14 Dr. Holmes?

15 A. Yes. Yes, the nurse told me, "You
16 need to go to Parkwest," and she called to the
17 doctor and informed the doctor and they said, "No."
18 Then Parkwest said, "No, he needs to go to his
19 family primary care physician."

20 Q. Were you able to see your family
21 primary care physician that same day?

22 A. No, it was that day.

23 Q. Okay. And --

24 A. Let me think here. Hmm. Let me
25 think.

1 I'm not sure if it was that day or
2 the next day. It was one of those days.

3 Q. Did you go to UT the same day you
4 saw the primary care physician?

5 A. Correct.

6 Q. What did -- when you saw
7 Dr. Holmes, was a live interpreter present?

8 A. I got to Dr. Holmes' office. The
9 second -- I told the secretary I needed to see the
10 doctor. The doctor walked in, took one look and
11 said, "This is not good. You need to go to the
12 hospital now. Quick. Go."

13 Q. So there was no interpreter
14 present?

15 A. No.

16 Q. In the times you saw Dr. Holmes,
17 was there ever a live interpreter present?

18 A. Dr. Holmes? For Dr. Holmes? Yeah,
19 that was just a really very short visit.

20 Q. I understand that, but before --
21 even before that visit, Dr. Holmes was your primary
22 care physician, right?

23 A. There was no interpreter.

24 It's hard to explain. Mostly my
25 ex-wife interprets for me because I'm there for a

1 cold or some kind of simple thing.

2 Q. Who went with you to Dr. Holmes'
3 office on the day he sent you to UT?

4 A. It was me and my ex-wife.

5 Q. When you arrived at UT, was a live
6 interpreter available?

7 A. Yes, they were ready.

8 Q. That was immediately upon your
9 arrival?

10 A. Yes, the interpreter was there as
11 soon as I got there.

12 Q. Was a live interpreter with you on
13 every day of your stay at UT?

14 A. Correct, 24/7.

15 Q. So a live interpreter never left
16 your side?

17 A. Correct.

18 Q. Did they sleep in your room?

19 A. All day. Of course, they did shift
20 rotations and so it wasn't the same person the
21 entire time.

22 Q. So a person never left your room?

23 A. The interpreter would sit in the
24 hallway by the door to my room or sometimes in the
25 room.

1 Q. So there was an interpreter either
2 in the hallway or in your room 24 hours a day while
3 you were at UT?

4 A. Correct.

5 Q. While you were at UT, did they do a
6 similar procedure through your leg to try to remove
7 the blood clot?

8 A. Yes, they did.

9 Q. You didn't have any objection to
10 that procedure?

11 A. No, I told them to go for it. Yes,
12 go for it.

13 Q. But that procedure was
14 unsuccessful.

15 A. They tried to fix it. They tried.
16 They did it a couple of times. They were trying to
17 clean it out, and then it -- but it was
18 30 percent -- 30 percent -- he said the leg was
19 30 percent below, 30 percent below, and they had to
20 amputate it.

21 Q. After they amputated 30 percent of
22 your leg, were they able to fit your leg with any
23 type of prosthetic?

24 A. They amputated it and I had to wait
25 until it got healthy.

1 THE WITNESS: Can I go to the
2 bathroom?

3 MR. YOUNG: Yes. Sure.

4 THE WITNESS: Okay. Thanks.

5 (Off the record at 3:41 p.m.)

6 (On the record at 3:49 p.m.)

7 BY MR. YOUNG:

8 Q. All right. We were talking about a
9 prosthetic.

10 A. Okay.

11 Q. How long was it's before you were
12 able to get a prosthetic for your leg?

13 A. I'm trying to remember the time.
14 Okay. If I remember, they amputated. I had to go
15 to rehab or therapy and practice and that was -- was
16 it two weeks? I think roughly two weeks I had to go
17 to therapy, because they had to teach me how to walk
18 without the leg first. I had to use like a walker
19 and I had to practice walking, sitting, changing my
20 clothes and those types of things.

21 And then I went to a rehabilitation
22 facility for -- I went to rehabilitation for
23 twelve weeks.

24 INTERPRETER: The interpreter added
25 facility. He didn't say facility.

1 A. And that was for about
2 twelve weeks.

3 And then when did I get the
4 prosthetic leg? I want to say it was a few months
5 later that I got the prosthetic leg.

6 Q. Do you qualify for Medicare?

7 A. Yes.

8 Q. How long have you been Medicare
9 eligible?

10 A. It's been a long time.

11 Q. Was that before October of 2017?

12 A. Oh, yeah. Uh-huh. Yes.

13 Q. Have you been receiving -- let me
14 back up.

15 Have you ever applied for Social
16 Security Disability benefits?

17 A. Yes.

18 Q. Okay. When was that?

19 A. Hmm. I think when I was in my
20 30's. Maybe I -- was I 30? 25 to 30, somewhere in
21 that five-year time frame.

22 Q. What was the basis of your
23 disability claim?

24 A. I had a hard time finding a job.

25 Q. So was it the deafness? Was that

1 the --

2 A. Well, some of it is because I'm
3 deaf. It's hard to find a job because they don't
4 hire me. And I have to work little side jobs, you
5 know.

6 Q. Have you ever been in danger of
7 losing your Social Security Disability benefits
8 because of income you have derived from your side
9 jobs?

10 A. No, because it's less than -- what
11 is the amount? It's less than like 1,000. If it's
12 1,000 or less, it's fine. But if it's over 1,000 or
13 more, then they can cut my benefits. But it's
14 always been under 1,000.

15 Q. So since the age of -- since you
16 have received Social Security Disability benefits,
17 you have never made more than \$1,000 in a year?

18 MR. ROZYNSKI: Objection to form.

19 Q. (BY MR. YOUNG) Go ahead.

20 A. Some. Not every year, but
21 sometimes it will go over.

22 Do you mean like I get SSI and then
23 I go over \$1,000 because I'm working a side job?

24 Q. Well, I don't know.

25 A. Okay. So try to explain to me

1 again what you're wanting.

2 Q. I'm not an expert in this area. It
3 was just my understanding that there's a certain
4 income level that if you made above it, it could
5 affect the amount of benefits you receive.

6 A. Okay. So Social Security, I can't
7 work over 1,000. It has to be under 1,000, like
8 1,000 or less. If you go over 1,000, then they
9 will -- they will decrease benefits. So that's the
10 scale.

11 Q. All right. Do you avoid taking
12 work to make sure you don't go over that 1,000?

13 A. No, I don't avoid. I just follow
14 the rule.

15 Q. Is that \$1,000 a month or \$1,000 a
16 year?

17 A. So you want to know what my SSI is
18 per month? Is that what you are asking?

19 Q. No, I'm asking about the \$1,000
20 limitation.

21 Is that a monthly limitation or an
22 annual limitation?

23 A. It's a month. It's a month. Less
24 than 1,000 a month.

25 Q. Okay. Do you know what the most

1 you've made in a given year is since the age of 25
2 to now?

3 A. So my SSDI is -- I don't have to
4 file taxes but sometimes, like with part-time, I
5 have to pay taxes on the part-time work.

6 Q. Okay. Has the amount of work
7 you've performed decreased since your -- since your
8 leg amputation or is it about the same?

9 A. It's about the same. Once they
10 amputated it, it did go way down.

11 Q. Okay. But now it's back up to
12 where it was?

13 A. I mean, it fluctuates. It really
14 depends. It depends.

15 Q. But it's more or less the same; is
16 that true?

17 A. I would say it's a little bit less,
18 yeah.

19 Q. Is there any activities that you
20 can't perform now that you could without the -- or
21 prior to having your leg amputated?

22 A. Yeah, it's definitely changed.
23 There's a lot of things I can't do.

24 Q. Can you give me examples?

25 A. Well, I can't -- I can't climb a

1 ladder. I can't walk on uneven surfaces or uneven
2 ground very easily. It's got to be flat. I cannot
3 get on a roof anymore. I can just stand on a flat
4 surface and do my thing.

5 Q. Does it -- is there -- is it
6 sensitive or painful at the site of the amputation?

7 A. Yes. It hurts when the weather
8 changes. It really depends on the weather, when
9 it's cold especially.

10 Q. Do you take any pain medication for
11 it?

12 A. No, I don't use any pain
13 medication.

14 Q. Have you had a continuing problem
15 with blood clots?

16 A. After they amputated the leg, I
17 have had blood clots periodically, yes.

18 Q. Have they told you that the blood
19 clots you are experiencing now are in any way
20 related to having your leg amputated?

21 A. No.

22 Q. You belong to Fuse Church.

23 A. Yes, I did go there before.

24 Q. Okay. Do you still go there now?

25 A. No.

1 Q. Does that have anything to do with
2 what happened to your leg?

3 A. No, that is not the reason.

4 Q. Okay. Do you attend any church
5 now?

6 A. No, not right at the moment.

7 Q. Are you still doing any work for
8 The Golden Pond?

9 A. Yes, still working there.

10 Q. The same work you were doing
11 before?

12 A. Yes, for the most part. After they
13 amputated my leg, some duties were changed.

14 Q. Okay. Can you still do all the
15 things you need to do for yourself around the house?

16 A. Yeah, I take care of myself. Yes.
17 Uh-huh.

18 Q. Can you mow your lawn?

19 A. Well --

20 Q. All right.

21 A. I could do that by myself just
22 fine. Now, because we live on a slope, I can't. I
23 have to hire somebody to actually do that for me.

24 Q. Does it affect your driving?

25 A. I mean, I use my left leg for the

1 pedals, so I'm fine. There isn't really any
2 negative effects to my driving.

3 Q. Have you --

4 A. A motorcycle, different story.

5 Q. All right. No more motorcycles?

6 A. No more.

7 Q. When is the last time you went to
8 any hospital?

9 A. I went to Lenoir City not all that
10 long ago.

11 Q. Okay. Is that Loudoun?

12 A. Correct.

13 Q. Have you been back to Parkwest
14 since October of 2017?

15 A. So October -- okay. So you're
16 asking me if I was in the hospital recently, and I
17 was in Loudoun. And now you're asking me about
18 going back to Parkwest in October. I don't where
19 that has anything to do with each other.

20 Q. Okay. Let me ask you a question.

21 Have you been back to Parkwest
22 since your leg was amputated?

23 A. No.

24 Q. Do you have any plans to go back to
25 Parkwest?

1 A. No.

2 Q. Do you prefer other hospitals?

3 A. Yes.

4 Q. Do you prefer UT Medical Center to
5 Parkwest?

6 A. Yes.

7 Q. If you had a need for a large
8 hospital, you would go to UT Medical Center?

9 A. Correct.

10 Q. Other than your daughter, your
11 ex-wife, your girlfriend, Ms. Chang, did you have
12 any other friends or family visit you in the
13 hospital? I guess -- and also, I guess, other than
14 your mother as well.

15 A. At UT or Parkwest? Which one are
16 you talking about?

17 Q. Parkwest.

18 A. Okay. So yeah, my girlfriend.
19 Ex-wife. Daughter. Mother. My mom's husband. My
20 son. Some friends of mine.

21 Q. Okay. What is your mom's name?

22 A. Frances.

23 Q. Frances' last name?

24 A. I hate my momma's last name. It's
25 H-u-e -- H-u-n-t-z. I don't know. It's a Mexican

1 last name. I don't know. I don't know.

2 Q. All right. What is your mom's
3 husband's name?

4 A. C-a-r-l-o. Everybody calls him by
5 his nickname, Joe.

6 Q. You don't know his last name, I
7 don't guess.

8 A. It's the same as momma. It's the
9 H-u -- I don't know.

10 Q. Can you give me the names of the
11 friends who visited you?

12 A. My ex-wife's fiancée came, Jeffrey.
13 His last name is H-u-b-b-u-c-h.

14 MR. YOUNG: Okay. Can we go off
15 for just one second?

16 (Off the record at 4:07 p.m.)

17 (On the record at 4:08 p.m.)

18 MR. YOUNG: I have plaintiff's
19 initial disclosures with me. I just had a
20 conversation with counsel, and he has
21 assured me that the people identified from
22 No. 5 through 53 of the initial disclosures
23 are listed because they are listed in the
24 medical records and presumably provided care
25 to the plaintiff and that's the basis of

1 their knowledge and that the plaintiff
2 doesn't have anything to add as to their
3 individual knowledge at this time.

4 Is that correct?

5 MR. ROZYNSKI: Yes.

6 MR. YOUNG: All right. I want to
7 meet with my co-counsel, and I am hoping
8 that we are just about done, okay?

9 (Off the record at 4:10 p.m.)

10 (On the record at 4:17 p.m.)

11 MR. YOUNG: I just have a few
12 questions about the discharge from Parkwest
13 on October the 30th of 2017.

14 This first exhibit is five pages,
15 218 through 223.

16 (Exhibit 11 marked).

17 MR. YOUNG: This next one is 224
18 through 225.

19 (Exhibit 12 marked) .

20 MR. YOUNG: This next one is 259.

21 (Exhibit 13 marked) .

22 MR. YOUNG: And then this next one
23 is 261 to 262.

24 (Exhibit 14 marked).

25 Q. (BY MR. YOUNG) Do you recognize

1 those documents?

2 A. Exhibit 11, I don't know what it
3 is. I don't know who signed it.

4 Q. Does it have your signature
5 anywhere on it?

6 A. No.

7 Q. Okay. Is your signature not on the
8 front page?

9 A. Nope.

10 Q. Okay. Did you --

11 A. Yeah, I don't write like that.

12 Q. Did you receive --

13 A. And I didn't sign this one either.
14 Exhibit 12, I didn't sign it either.

15 13, I did not sign it.

16 I didn't sign any of these pages.

17 Q. Okay. Do you know if you ever
18 reviewed those pages?

19 A. No.

20 Q. Did Dr. Pollock give you any
21 educational materials with you when you were
22 discharged from the hospital?

23 A. No.

24 Q. Did you --

25 A. Just the health nurse came to my

1 home to check on me. They never provided any
2 information.

3 Q. You didn't receive any paperwork at
4 all when you left the hospital?

5 A. The discharge sheet for the release
6 and the medications, I remember that, but I did not
7 receive -- I maybe received five or something pages.
8 I don't remember exactly.

9 Q. Do you still have those pages?

10 A. I'm really bad at organizing.

11 Q. All right. Would your girlfriend
12 have maintained any of those paperwork?

13 A. That's not her responsibility.
14 That would be my responsibility.

15 Q. But did you go live with -- I guess
16 you went to go live with your ex-wife for a while
17 after your discharge.

18 A. No.

19 Q. Did she stay with you at all when
20 you were discharged?

21 A. She dropped me off at my
22 girlfriend's house and my girlfriend took care of
23 me. They would take turns, but my ex-wife did not
24 stay with me.

25 Q. Okay. Did your girlfriend stay

1 with you?

2 A. She would stay, and my ex-wife and
3 my daughter would come visit.

4 Q. Were they present for the home
5 health care visit?

6 INTERPRETER: Clarification for the
7 interpreter.

8 Was who present?

9 Q. (BY MR. YOUNG) Was either your
10 ex-wife or your daughter present for the home health
11 care visit?

12 A. No.

13 Q. Okay. Was your girlfriend?

14 A. She should have been.

15 Q. Who communicated with the home
16 health care nurse?

17 A. Mostly she told me her name and she
18 wrote down simple things.

19 Q. But she was concerned about the
20 condition of your foot?

21 A. Yes.

22 Q. And she directed you to follow up
23 with your primary care physician?

24 A. Yes.

25 Q. Did any -- did anyone at Parkwest

1 advise you to call -- or did Dr. Pollock advise you
2 to call if the pain in your leg got worse?

3 A. I remember the nurse said if there
4 was pain I should call the -- I believe they told me
5 to contact my primary care, and if it was really bad
6 pain to go to the ER. I really don't remember.

7 Q. Okay. Did they say -- was there
8 any advice given to you about the color of your skin
9 if it changed, what to do?

10 A. No, nobody warned me about color
11 change of the skin.

12 Q. Did you already know to be worried
13 if your skin color changed?

14 A. Yes.

15 Q. You knew if the skin color changed
16 that that was a reason to seek medical care?

17 A. When I was released from the
18 hospital October -- yes, October 30th. When I was
19 released from the hospital it was the same color.
20 The skin was the same color, and I told the doctor
21 there was pain. They sent me home with medicine,
22 and I looked and it was -- I was concerned and it
23 bothered me, and the home health person came and
24 said it looked bad. I just knew that something was
25 going to happen. I knew it.

1 She called Parkwest and they told
2 me to go to my primary care -- they told her to tell
3 me to go to my primary care physician, and then I
4 went to UT from there. I knew it was going to get
5 serious.

6 Q. Did you maintain any type of diary
7 or written notes about what was happening to you
8 during October of 2017?

9 A. Yes.

10 Q. Where did you maintain these?

11 A. In my files.

12 Q. Okay. Do you still have those?

13 A. Yes.

14 Q. Okay. Those have been requested in
15 Request to Produce No. 15. We ask that those be
16 supplemented as soon as possible.

17 Did you send any --

18 A. Do you want me to print it and give
19 it to you?

20 Q. Yes.

21 A. Okay.

22 Q. Did you have any texts or e-mails
23 about what happened at Parkwest on October the 24th
24 through October 30th of 2017?

25 A. What texts or e-mails? What texts

1 and e-mails? Do you mean did I text my friends, my
2 mom and my daddy?

3 Q. Yeah.

4 A. Oh, yes, of course. They are my
5 family.

6 Q. Have you maintained those?

7 A. No. That was two years ago. It
8 would be impossible to keep those texts.

9 Q. Okay. Did you post anything on
10 social media, on Facebook or Pinterest or Twitter
11 about your experience at Parkwest from October 24th
12 through October 30th of 2017?

13 A. Facebook, yes. I just asked people
14 to pray. I just asked people to pray.

15 Q. Do you still have those posts?

16 A. I don't know. I would have to look
17 all the way -- scroll all the way back through
18 there.

19 Q. Have you deleted any posts from
20 that time period?

21 A. Deleted what?

22 Q. Facebook posts.

23 A. From my personal?

24 Q. Yes.

25 A. Well, I've deleted simple posts,

1 things I don't need.

2 Q. Okay. Do any of those relate to
3 the time period -- or relate to what happened at
4 Parkwest from October 24th of 2017 through October
5 the 30th of 2017?

6 A. The only thing I posted on Facebook
7 during that time was just pray.

8 Q. With regard to -- with regard to
9 the notes and memos you may have maintained, how
10 many documents would this be?

11 A. I'm sorry. I don't understand that
12 question.

13 Q. You said you maintained some notes
14 about what happened at Parkwest in your personal
15 files at home.

16 A. My ex-wife and my girlfriend were
17 writing that because they know more than I do. I
18 didn't write it.

19 Q. Okay. How many pages would this
20 be?

21 A. Maybe about 15 or 20 pages, I
22 guess.

23 Q. Were these notes made close in time
24 to October of 2017?

25 A. I believe they should be right

1 around that time.

2 Q. All right. And they made these
3 notes instead of you because their memory of this
4 stuff is better than yours; is that correct?

5 A. Right.

6 Q. Is it fair to say that because of
7 the amount of pain that you were in and the
8 medications you were under that your memory from the
9 hospital admission from October the 24th and then
10 again on October the 26th through the 30th is not
11 very good?

12 MR. ROZYNSKI: Objection to form.
13 You can answer.

14 Q. (BY MR. YOUNG) Go ahead.

15 A. Would you say that again, please?

16 Q. Is it fair to say that in light of
17 the pain you were experiencing and the medication
18 you were taking that your memory from your hospital
19 admissions on October the 24th and again on
20 October the 26th through October the 30th of 2017 is
21 not very good?

22 A. Correct.

23 MR. YOUNG: All right. We're good.

24 MR. ROZYNSKI: Okay. That's it.

25 FURTHER THIS DEPONENT SAITH NOT.

1 (Proceedings ended at 4:37 p.m.)
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C E R T I F I C A T E

STATE OF TENNESSEE:

COUNTY OF KNOX:

I, Jeffrey D. Rusk, Registered Professional Reporter and Notary Public, do hereby certify that I reported in machine shorthand the foregoing proceedings; that the foregoing pages, inclusive, were prepared by me using computer-aided transcription and constitute a true and accurate record of said proceedings.

I further certify that I am not an attorney or relative of any attorney or counsel connected with the action, nor financially interested in the action.

Witness my hand and official seal
this the 16th day of December, 2019.



A handwritten signature in blue ink, reading "Jeffrey D. Rusk", written over a horizontal line.

Jeffrey D. Rusk, RPR, CLVS
Notary Public at Large
My Commission Expires: 6/4/2022
TCRB License No. 212

\$	2	24th 52:9 57:24 69:8,9 104:25 159:23 160:11 161:4 162:9,19	4:10 154:9	action 7:24 8:2,6,7 15:21
\$1,000 146:17,23 147:15,19	2 83:3,4 110:16,18 111:25 113:6	25 23:24 145:20 148:1	4:17 154:10	activities 148:19
0	20 82:15,18 84:20 85:21,23 86:6 139:11 161:21	257 110:11	4:37 163:1	add 154:2
0 118:7,9 120:7	2000 10:20	258 113:21	5	added 144:24
1	2002 38:8	259 154:20	5 95:3,4 153:22	additional 91:11 114:20 117:20
1 69:2,3	2005 24:8	261 154:23	50/50 119:13	address 10:5 31:19 32:9 38:19 42:9,11 117:21
1,000 146:11,12,14 147:7,8,12,24	2008 24:8	262 154:23	53 153:22	adequate 97:10
10 114:6,8 118:7, 10,12,16,18,19,23 119:1,3,5,6 120:7	2014 28:23	26th 95:9 105:1,7 108:13 114:13 117:7,10,17 132:19 137:4 138:7 162:10, 20	6	adequately 72:24 123:24
10:03 30:8	2015 45:16 46:12, 23 47:1	27th 109:6,24	6 96:24,25 97:2	admission 50:1 95:10 128:11 162:9
10:12 30:9	2017 28:23 29:4,13 44:11,21,25 51:24 52:9 54:3,5 56:20 57:14,24 69:8,10 104:25 105:1,7 108:13,14 109:24 114:14 132:19,20 133:24 136:7 137:4, 5 138:6 140:10 145:11 151:14 154:13 159:8,24 160:12 161:4,5,24 162:20	2nd 23:13 135:15, 16	7	admissions 162:19
11 154:16 155:2	2019 4:5 15:3	3	7 99:13,14	advice 52:2 158:8
11:10 57:10	20th 44:18,19,21, 23,25 56:10,14,20 57:15,16,19,20	3 88:2,3	8	advise 112:20 158:1
11:21 57:11	21 82:15,24,25 83:1 85:4	30 30:4 47:8 99:9 143:18,19,21 145:20	8 101:18 110:8	affect 47:1,18 65:6 72:19 147:5 150:24
12 154:19 155:14	218 154:15	30's 11:24 145:20	9	affected 48:15 128:21
128 10:5 38:19 90:17	21st 51:25 57:19,20 58:1	30th 108:14 114:14 117:8,11,18 132:20 133:23 134:2,6 136:7,8 137:4 138:6,7,11 140:10 154:13 158:18 159:24 160:12 161:5 162:10,20	9 110:7,8	age 146:15 148:1
1280 84:21,22	22 82:20 87:12	31st 135:13,14,15	93 23:14	ages 23:22
12:14 82:7	223 154:15	32 30:3	94 23:14	agree 50:2 97:20 98:25 111:22 118:19 120:13,23 123:4
12:23 82:8	224 154:17	33 11:21	9:11 5:1	agreed 4:11,19
12:53 95:5	225 154:18	3:41 144:5	A	agreeing 83:22
13 11:20 154:21 155:15	23 23:25 82:20	3:49 144:6	A-M-E-R-I-C-A 19:13	agreement 35:1 37:1,2,6,15,24 38:1, 14,16,22 39:1,4
14 11:20 154:24	2300 4:6	4	A-S-S-U-L-T-Y 9:11	ahead 36:11 39:12 40:8 76:7 77:24 95:1 104:11 112:23 113:8 124:11 146:19 162:14
15 159:15 161:21	24 94:8 143:2	4 88:4	a.m. 5:1 30:8,9 57:10,11	aid 61:19,20,21 123:25
16th 4:5	24/7 122:11 142:14	4:07 153:16	ability 72:1	aids 24:19
18 82:15,18,25 83:1 85:8		4:08 153:17	absence 126:22 127:10	allowed 8:25 9:1 74:7
18th 57:17,18			Absolutely 122:17	
19 82:15,18,24 85:13			accident 20:2	
1:56 95:6			accurately 118:24 119:6	
1st 135:14 138:12			acting 65:17	

ambulance 101:14 106:1	arrested 8:18 9:7,8	14,15 16:5,15 18:16 28:24,25 29:4 43:2 46:12 52:24 54:20 58:14 63:4 73:3,6,8 78:13 82:20 92:1,11 120:22,24 129:9 135:3,5,6 137:1 138:15 145:14 148:11 151:13,18, 21,24 160:17	23 53:2,8,15,17 58:24,25 91:6 92:13,14 93:1 95:21,23 100:25 101:1,3,4,6 111:4,8, 20 113:16 121:4 122:25 123:18,20 143:7 149:15,17,18	<hr/> C <hr/>
America 20:7	arrival 142:9	background 8:24	blue 121:9,16,17	C-A-R-L-O 153:4
American 14:24 22:1	arrive 106:12	bad 46:14,17,20 48:4 140:1 156:10 158:5,24	body 30:14,18 31:14 33:21 45:2,5, 11 47:2 76:1 100:10	C-H-A-N-G 10:14
amount 62:14 92:4,23 117:11 119:8 121:15 146:11 147:5 148:6 162:7	arrived 62:10 79:4 80:16 81:14 92:22, 25 93:8 95:16,24 105:8 106:12 142:5	bakery 25:24	Boiling's 27:23	California 10:17, 18 11:3,7 28:7,8,12, 20,22 34:24 39:4 46:4 48:25 49:9,12 50:1,10
amputate 143:20	artery 45:24,25 46:2 110:24 111:8 113:14	balance 42:15 58:12	bold 88:10	call 42:23 43:9 58:19 70:19,20 94:19 95:2 106:9 158:1,2,4
amputated 143:21, 24 144:14 148:10, 21 149:16,20 150:13 151:22	ASL 30:25 31:1 33:15,19 34:1 43:11,14,17 70:1,17 72:1 131:13 132:24	bank 42:14	bonded 69:22	called 4:23 15:22 29:20 41:5 63:2 93:4 96:2 110:2 117:23 134:23,24 136:2 140:2,16 159:1
amputation 148:8 149:6	ASL-FLUENT 44:4	based 121:2	book 15:19	calls 74:10 153:4
Anger 127:13,17	aspects 98:12	basis 55:19	books 15:20	camera 43:1
angry 82:4 104:2 128:18	assault 9:19	bathroom 30:6 144:2	born 10:18 11:7	cancer 47:15
ankle 58:22	assist 55:18 69:25 93:10	began 5:1	boss 30:13	capable 33:3
annual 147:22	assistance 37:16	basis 145:22 153:25	bothered 158:23	caption 4:17
antibiotic 63:8 77:10 81:9 82:2 121:20 136:10	assume 7:10	begged 25:11	bottom 69:13 88:6	car 34:5,7,11 35:6
anticipate 36:9	Assuming 42:5 57:22	begin 10:24	box 47:15 85:17 123:11	cardiac 99:4
anxious 138:21	assured 153:21	belong 149:22	boxes 86:4	care 50:14 52:14,15 54:2 55:15 59:11 65:11 77:3,19 79:17 91:11 92:1 98:25 116:21,25 125:25 130:4,6,12,13,14, 15,17,18,19,22 131:5,6,18,20,23 132:12 138:18 140:5,19,21 141:4, 22 150:16 153:24 156:22 157:5,11,16, 23 158:5,16 159:2,3
anymore 25:20 149:3	AT&T 19:4	benefits 145:16 146:7,13,16 147:5,9	break 5:22 16:14, 17 30:6 57:7,9 94:18	Carolina 11:8,11, 15 12:19,24
apartment 38:11 139:10	attempted 103:15	big 14:23 30:23 34:3 54:16	breaks 5:19	case 6:10
apologize 15:17 129:5	attend 150:4	bigger 60:8	bring 96:12 119:25	catch 61:24
applied 145:15	attention 61:24 89:16 102:1	bit 13:22 18:16 31:8 100:18 105:21 116:11 120:19 121:16,17 125:17 148:17	broad 37:21	cath 122:4
apply 32:6,10,13	attorney 6:10 59:12	black 121:9	Broderick 6:9	catheter 107:12 109:2,25 121:25 122:1
appointment 41:15 53:6 70:21,23 71:1	auto 34:10	bleed 58:23	broken 32:22	
appointments 55:18,20	avoid 147:11,13	blockage 45:14,18, 22 46:2 99:22 100:19,21,24 101:2	brought 10:21 28:25 38:3,22 63:4 109:10	
apt 78:6	awake 121:23	blocked 45:25	building 29:20	
area 42:2 147:2	aware 71:19 72:4 73:19 74:7,8,14 76:23 91:12 105:18	blood 45:7,10,24 51:19,21 52:1,4,20,	burning 117:12	
arm 123:19	awful 57:4		business 19:14 20:17 26:4,5	
Arnett 4:6	<hr/> B <hr/>		bustling 63:24,25	
	B-O-I-L-I-N-G-S 27:24		buy 34:11 38:7	
	back 10:24 13:10,		Bypass 99:23	

caused 45:22	civil 4:4 7:23	color 121:6,19 158:8,10,13,15,19, 20	completely 35:17 81:16 108:3	61:3,5 64:14 66:19 69:18 71:2 80:6,10 81:6 84:22 87:12,13 92:17 99:2 100:24 103:5 104:16 105:16,20 106:4 110:1 111:12 117:4, 5,9 118:14 122:16 129:16 137:25 141:5 142:14,17 143:4 151:12 152:9 154:4 162:4,22
cell 20:13,14 42:3	claim 145:23	comfortable 37:10,14 55:14 97:13	complicated 73:17	correction 101:17
center 66:22 136:22 152:4,8	clarification 8:6 12:16 15:14 41:10 68:1 90:10 96:16 104:13,23 109:6 157:6	comfortably 91:2	concern 72:21	counsel 94:17 153:20
certificate 4:17	clarifying 22:12	comics 15:20	concerned 72:16 157:19 158:22	count 7:18
chance 137:2	classes 13:23 14:2 17:4	communicate 30:12,15 31:5,12,17 32:15 33:24 34:2 41:24 42:7,16,20,23 43:6,17 50:10,21 55:1,6,8 56:1,22 63:13 65:20 70:16 72:1 100:13 106:20 110:4 116:25 122:12 124:2 126:20 128:13 130:1	concrete 58:15,16 131:4,14	county 9:21,23 27:25 93:3
Chang 10:15 61:15 152:11	clean 111:20 143:17	communicated 74:15 123:24 127:8 157:15	condition 48:13 157:20	couple 66:17 143:16
change 121:6 158:11	clear 7:1,2 15:16 17:14 21:13 42:4 50:6 52:25 53:22 68:12 73:4 75:4 128:6 129:12 131:2	communicates 22:4 42:20	conducting 134:19	coursework 13:21
changed 121:19 130:4 148:22 150:13 158:9,13,15	clearer 131:7	communicating 43:11 69:25 89:10 93:10 125:2	conflict 65:25	court 6:23 8:10,12, 15 73:3,8 114:7 129:9
changing 144:19	client 5:3,7,23 72:18	communication 30:20 49:17 54:14, 16,18 63:11 75:8, 10,12,21 77:16 78:10 89:2 93:14,21 97:11,23 102:11 104:3 105:23 107:10 109:14 113:1 116:12 117:2 124:3,14,16 127:14	confused 52:17 53:24,25 56:17 81:12,14,15,20 112:3	Covenant 6:11
Charlotte 12:18, 19,24 13:20	clients 5:15	communications 5:14 70:25	confusing 39:24	coverage 42:4
chart 120:7,9	climb 148:25	community 12:14, 19,20,21 13:19 16:6,12 18:17	connected 8:21	covering 109:18
charted 118:19	close 33:11 69:23 71:21 161:23	company 19:9,17, 18 27:12,13,14 40:15	connection 42:6	coverings 109:20
chat 41:23	closed 19:15	compiles 10:2	consecutively 74:25	credit 14:7,8
check 42:13 122:23 123:5 156:1	clot 51:19,21 52:1, 4,20,23 53:2,8,15, 17 91:7 92:13,14 93:1 95:22,23 96:15 101:1,4,6 110:25 111:4,8,20 113:14, 16 143:7	complete 5:24	consistently 121:1	Creek 60:10
check-ins 123:5	clothes 144:20		construction 18:10,13 20:18 22:15 27:2,23,24	crying 91:1
checked 62:20 139:25	clots 149:15,17,19		contact 69:16,20 70:14,15 71:4,5,6,9, 19,25 72:2 158:5	CT 63:2 96:14,21 98:23 100:7,9
checking 42:14 122:25	co-counsel 154:7		contained 15:9	culturally 22:5
chest 99:7	co-workers 30:13 32:15		context 53:4 71:10	current 39:25
children 23:17 24:10	cochlear 24:20 25:2		continue 135:19 136:22	curriculum 16:20
children's 61:13	cold 51:9 142:1 149:9		continuing 149:14	customers 31:17
choose 93:9	collective 83:2 114:4		contract 35:4	cut 29:22 58:25 146:13
chunks 110:20	college 12:10,11, 13,20,21 13:11,20 16:6,12 18:17 26:17,18		contribute 46:2	
church 149:22 150:4			conversation 6:17 64:5 107:25 125:25 153:20	D
cigarette 47:13 137:11			convicted 9:19	
circulation 44:12 45:1 46:7 47:1,18 48:14 127:24			correct 7:16 10:18 12:25 20:20 38:24 40:6 43:12,15 47:9, 11 49:10 50:8 52:8 53:13 54:6,22 58:9	dad 11:12 31:1
circulatory 46:16				Dad's 76:8
City 24:5 25:22 50:25 56:5 66:10,23 91:4,6 97:14 106:8 151:9				daddy 160:2

damaged 20:1	decreased 117:25 118:1 148:7	16	74:5,16 75:5,23,24 76:4 77:21 108:2 112:7,19 122:17 125:15 131:17	earlier 38:23
danger 146:6	deep 47:6 48:17 97:23	differently 129:23		earn 27:9
date 57:13 58:3,4 86:2 88:7 96:7 101:21,23,25 140:7	defendants 4:3,24 6:10	difficult 14:14,23	doctors' 55:20	easier 106:19
dating 10:15	defined 5:25	directed 157:22	document 35:1,9 36:20 37:4,22 82:11 83:6 85:14,15,20 86:7,8 87:10,18,25 102:4 110:6	easiest 15:9
daughter 23:23 55:18 57:2 60:21 63:22,24,25 65:17, 24 66:8,9,10,12,15, 20,24 69:17,18,21 70:19 71:21 76:8 79:1,16,19 80:11,16 83:24 84:11,13 89:12,23 90:7 98:9, 10 105:12,18,24,25 106:7,24 108:5 109:12,15,19,21 110:2 115:9,11 124:21,24 125:1,4 132:15,17,21 133:2 152:10,19 157:3,10	degree 13:6	directions 15:8 81:9 91:13,14	documents 41:1 68:18 83:12,24,25 103:16 155:1 161:10	easily 149:2
	delayed 49:21	directly 5:3 90:16, 21 125:16	dog 138:25	East 34:21
	deleted 160:19,21, 25	disability 145:16, 23 146:7,16	dogs 138:16,18,22	easy 14:20,21
	deli 25:25	discharge 88:18, 21 108:13 117:8 154:12 156:5,17	door 29:21 67:7 142:24	eat 123:7
	depend 40:14,15	discharged 88:25 134:12 155:22 156:20	doors 19:15	Eats 32:7,11
	dependent 77:2	disclosures 153:19,22	double-edge 40:9	educational 155:21
	depending 42:2	dispute 96:7	doubt 101:25	effect 17:11
	depends 24:22 36:25 37:3 40:10 42:1 54:10,12 78:5 148:14 149:8	distinctive 21:17	Draper 4:6	effective 97:11
daughter's 71:8	DEPONENT 162:25	district 5:14	drink 123:7	effectively 50:9
day 4:5 29:7 30:18 47:10 59:2,7 60:7 67:15,18,19,20 68:1,2 76:15 90:5 91:2,3,5 94:8 99:10 120:11 132:18 133:25 134:2,9,16 136:4,6 137:21,24 138:12 140:6,21,22 141:1,2,3 142:3,13, 19 143:2	deposed 4:25	divorce 7:23 8:1,5, 7,10,11,14,16,17 24:6 28:17	Drive 10:5 38:19 90:17	effects 151:2
	deposition 4:2,11 5:4,16 6:2,13,16 40:3 71:11	divorced 7:16 8:8 26:4 28:18	driver's 9:24	efforts 105:18
	depressed 104:2	doctor 41:16 47:5, 22 48:3,7,10,12 51:8 52:6,10,23 53:2 55:4,5,14 59:1 63:12,14 64:3 70:19,20,21,25 71:5 72:2 75:17,25 76:9, 19 78:6,7,11 81:23 88:22 89:2,3,6,7,11, 15,24 92:5,24 95:19 99:7 102:14,22 106:24 107:6,14,16 111:3,14,17 121:19 122:9,15 124:13,16, 18,20,23 125:2,10, 14,15,16 126:1 127:18,21 128:8,18 135:1,25 136:2 140:2,3,17 141:10 158:20	driving 42:3 150:24 151:2	elementary 18:3,4
	depth 126:14		dropped 156:21	eligible 145:9
	depths 76:9		drove 28:7	else's 85:25
	derived 146:8		drugs 77:5	emergency 69:7, 16,19 70:14,15,18 71:4,5,8,19,25 79:10 92:7
	describe 98:16		due 100:1	emoticon 120:9
	description 111:24		duly 4:24	emotional 81:15 117:2 125:5,6 139:1
	designate 86:22		duties 150:13	employ 31:9
	detail 75:19		dye 99:25 100:5,6, 8,10	employed 27:5 62:4
	details 47:6		E	employment 23:6
	determine 9:2			encouraging 136:21
	Devin 6:11			end 8:25
	diagnosis 78:15 80:9,13,25 81:2		e-mail 42:9,11,13, 17,21,22	ended 59:9 163:1
	dial 41:20		e-mails 159:22,25 160:1	engaged 124:23 125:25
	diary 159:6	doctor's 89:8	ear 43:7	English 14:13,14, 16 15:10,19 16:7, 10,21 24:21,23,25 25:2 32:25 113:9
	difference 49:12,	doctors 48:16,20, 22 68:19 72:6 73:20		entire 116:4 120:15 124:3 142:21

Environmental 61:23	execute 37:7	F	felt 76:18,22 98:6 125:20	focused 81:15
ER 59:24 60:13 62:19 80:17 89:7 92:8,9 105:8 158:6	exhibit 69:2,3 83:3, 4 88:2,3,4 95:4 96:23,25 97:2 99:12,14 101:18 110:7 114:4,8 154:14,16,19,21,24 155:2,14	face 41:21 118:6 119:2 120:7	fiancee 153:12	focusing 65:14,15 137:15 138:24
error 101:17	expect 54:17 122:5 123:2	Facebook 160:10, 13,22 161:6	field 18:10	foggy 108:25
escalated 120:15	expected 122:14, 22	faces 118:6	fighting 131:10	follow 7:1 81:9 91:13,14 121:22 147:13 157:22
essay 16:9,16	experience 9:6 60:5 160:11	Facetime 41:18,19, 22,23,25 42:7 43:3, 13,19,23,24 44:5,7	figure 22:20	font 88:10
evaluation 95:20	experiencing 62:10 81:25 126:15, 19 127:6 149:19 162:17	facility 144:22,25	file 68:22 69:5 148:4	food 25:22 32:8 123:12
evening 105:2	expert 147:2	fact 76:18 133:15	files 159:11 161:15	foot 51:22 52:20 53:8 121:4 157:20
events 103:22,24	explain 32:23 35:14,19 36:25 38:15 39:7,9,22 50:5 75:17,19 76:17 79:1,5,14,18 81:23, 25 102:3 103:5,15, 18 119:11 141:24 146:25	factory 19:2,4	filling 4:17	football 16:3
evidently 100:18	explained 35:22, 23 39:6,10,11 62:14 76:8 78:19 79:20 89:3 98:11,19 99:6, 8 111:25 113:10	fail 14:5,8	finally 107:9	forever 60:6 62:24
ex-doctor 52:10	explaining 55:21	failed 14:9 17:6	find 14:11 53:10 75:11 76:12 92:14 96:15 105:12 140:9 146:3	forget 15:22
ex-girlfriend 32:12 34:13,14,15 35:21, 22,24	explains 35:17 36:24	fair 64:11 78:3 94:22 103:20 162:6, 16	finding 145:24	Forgive 61:14
ex-girlfriend's 34:16	explanation 48:18 78:20 84:7 102:9, 17,19 104:8	fairly 5:25	fine 6:4,5 30:7 92:24 96:10 106:10 146:12 150:22 151:1	form 4:20 36:3,21 37:8,17,19 39:15 40:7 45:22 46:8 47:3,19 64:22 69:13 70:2,7 72:10,12,17, 22,24 73:11,24 74:2,19 75:14 76:6 77:23 80:2 93:9,13, 16,19,20 103:17 104:10 112:2,8,13, 22 113:7 115:13 116:22 124:10 125:22 126:11,23 127:11 133:18 146:18 162:12
ex-wife 23:3,7 27:12 55:5,8 60:21 61:4,11 62:14 63:18 65:19,20 66:11,16, 18,19 79:5,15,19 80:12,17 89:12,24 90:13 95:16,22 98:11,19 103:14,18 105:12,25 106:23 108:7,15 111:19 124:25 125:1,4 132:15,17,21 133:2, 11 134:14 141:25 142:4 152:11,19 156:16,23 157:2,10 161:16	explanations 30:23 102:8	fallen 57:24	finger 31:8 88:11 102:7	formal 17:16
ex-wife's 23:9 153:12	express 127:9	familiar 96:1	fingers 118:18	formalities 4:17
exact 58:2,4 74:24 115:16	expressed 55:25	family 20:21 28:15 48:22 55:25 56:22 59:11 60:17,18 71:6 86:21 87:1 108:14 140:19,20 152:12 160:5	finish 7:4	Fort 54:19 55:24 56:4,21 59:11 60:2, 3,6 92:15,22
exam 100:7	expression 15:8	father 20:16,17 22:15,19 23:6 30:24 31:9	fire 76:18	found 52:1 91:6 92:13 93:1 97:17,24 98:15,18
examination 6:6 125:19	expressly 4:18	Federal 4:3	fired 19:21,23 20:7	foundation 74:4
examined 4:25	extent 72:17	feel 37:5,14 78:10 81:18 97:10,13,15 98:1 119:15 123:23 124:22 131:24 132:10,11 138:24	fit 143:22	four-page 82:10
examples 17:22 40:22 131:4,10 148:24	extra 27:9	feeling 123:17	five-year 145:21	four-year 16:23
excuse 60:3 90:8 101:12 140:7	extremely 62:23	feet 65:8	fix 29:21,24 32:22, 23 110:25 111:4,8 113:14 143:15	frame 135:16 138:8 145:21
		fell 44:17,18,22 57:14 58:18 59:3 67:22,24 68:3	fixed 111:5	Framing 22:17
			fixing 27:18 98:14	Frances 152:22
			flash 99:25 100:5	
			flat 139:14 149:2,3	
			flow 121:4	
			fluctuates 148:13	
			fluent 30:25 32:24 70:1 132:24	
			fluid 49:22	
			focus 78:21	

<p>Frances' 152:23</p> <p>freeze 42:6 116:12, 17</p> <p>freezes 42:2</p> <p>freezing 64:17,18, 25 106:16,18,22 107:8 109:10 115:2 116:16 120:2</p> <p>friend 34:13 35:1, 20 39:5,6 87:2 138:20 139:10</p> <p>friends 32:20,24 33:3,5,6,12,14,18, 25 48:22 86:21 152:12,20 153:11 160:1</p> <p>front 155:8</p> <p>frowny 118:6 120:7</p> <p>froze 93:7 110:1 116:3,10,11,13</p> <p>frustrated 62:23 82:4 89:1 128:18</p> <p>frustration 104:4 117:13 127:14,17</p> <p>Fuse 149:22</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gave 62:17 63:5 77:10,12 78:19 81:8,10,22 82:1,16 100:13 105:10 117:22 121:19 123:12 129:24 136:9 137:6</p> <p>geared 17:1,13</p> <p>general 13:3</p> <p>generally 133:16</p> <p>genuine 72:22</p> <p>Georgia 11:8,19 12:1,2,7,8 13:14,15 19:18 20:6,8,19 23:2 26:9 30:12</p> <p>German 19:17,18</p> <p>gesture 102:21</p> <p>gesturing 30:14,19 31:14</p>	<p>girlfriend 10:12 60:22,24 61:1 66:15,21 79:15,19 80:12,17 90:11 106:24 108:9,15 111:19 132:16,18 133:3,9 152:11,18 156:11,22,25 157:13 161:16</p> <p>girlfriend's 139:10 156:22</p> <p>give 7:9 11:20 17:22 19:8 36:17 40:21 52:2 53:4 57:20 76:21 82:10, 20 83:16 87:9 91:8 93:13 99:21 102:21 110:19 117:15,20 123:6 126:7 130:21 131:10 132:10 148:24 153:10 155:20 159:18</p> <p>giving 84:17 86:19 102:5 132:6</p> <p>glad 97:24</p> <p>glance 87:19</p> <p>glass 13:18 18:18, 19,21,23 19:3 30:11</p> <p>glitches 49:23</p> <p>Golden 150:8</p> <p>good 6:8 46:7 49:18 60:12 61:10 103:23 119:18 130:12,13,14,15,17 131:5,6 134:22 136:1 140:1 141:11 162:11,21,23</p> <p>gosh 9:13 11:16,24 13:9 39:2 44:17 64:24 138:13</p> <p>graduate 12:3</p> <p>grass 29:22</p> <p>great 77:15</p> <p>groin 100:22</p> <p>ground 149:2</p> <p>Group 27:15</p> <p>GSD 12:9 16:18,19, 20,23,25 17:12 26:7</p>	<p>guess 44:2 57:18 69:1 122:3 152:13 153:7 156:15 161:22</p> <p>guessing 25:5</p> <p>gut 92:8</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>H-E-R 19:10</p> <p>H-E-R-M-I-L 19:12</p> <p>H-U 153:9</p> <p>H-U-B-B-U-C-H 153:13</p> <p>H-U-E 152:25</p> <p>H-U-N-T-Z 152:25</p> <p>Hagood 4:6</p> <p>half 102:24 103:1</p> <p>hallway 142:24 143:2</p> <p>hammer 32:21</p> <p>hand 82:19 87:24 110:6</p> <p>handed 84:3 104:4</p> <p>hands 118:17 125:18</p> <p>handwriting 69:11 83:11 84:23 85:3,7, 12,18,25 87:15 97:2,5 110:11,23 113:6</p> <p>handyman 27:10 29:5,15,18,25</p> <p>happen 9:12,15 75:21 100:14 112:20 158:25</p> <p>happened 16:16 64:8 66:2 75:17,20 76:10 80:18 103:22 104:5 105:7 109:15 135:17 140:10 150:2 159:23 161:3, 14</p> <p>happening 36:9 78:10 107:10,25 117:2 139:8 159:7</p>	<p>happy 128:19</p> <p>hard 13:2 17:1 20:21,25 21:8,14, 16,21,24 36:23,25 58:25 77:16 78:2 141:24 145:24 146:3</p> <p>harm 46:15</p> <p>hate 152:24</p> <p>head 61:25 76:1 109:18,20 119:3</p> <p>health 6:11 56:1 87:3 139:18,20 140:4 155:25 157:5, 10,16 158:23</p> <p>healthcare 54:15 56:23</p> <p>healthy 138:24 143:25</p> <p>hear 33:9,10,11,12 35:24 36:10 61:15, 21,22 63:19 72:1 89:21 107:25 108:1, 4</p> <p>heard 18:22 21:8 63:18,23,24,25 98:17</p> <p>hearing 4:21 13:2 17:1 20:22 21:1,9, 14,16,21,25 22:2 24:12,14,19 33:4,5, 16,18,20,21,25 35:25 61:19,20,21 93:22</p> <p>heart 45:7,8,13,23 46:17 49:4 99:6,17</p> <p>heavy 103:11 105:11,17 107:18 112:15</p> <p>held 118:17</p> <p>helped 10:12 32:12,19,20 35:21 50:5</p> <p>Hermil 20:7</p> <p>high 12:4,6 16:23 26:17 120:20</p> <p>hire 146:4 150:23</p> <p>hired 30:17</p>	<p>history 99:4,9 100:18</p> <p>hit 58:17,20,25</p> <p>Hmm 124:1 140:24 145:19</p> <p>Hold 82:16</p> <p>Holmes 52:6,11,24 54:21 55:2,8 59:22 135:2 140:3,11,14 141:7,16,18,21</p> <p>Holmes' 141:8 142:2</p> <p>home 31:2,7 38:10, 18,19 63:9 64:9 82:3 88:19,22,23 89:4 90:5,15,16,21 132:25 136:9,14,16, 19 138:21 139:3,5, 8,10,18 140:4 156:1 157:4,10,15 158:21, 23 161:15</p> <p>homes 32:19</p> <p>honestly 66:1 112:19</p> <p>honesty 104:1</p> <p>hop 94:18</p> <p>hoping 154:7</p> <p>horn 33:10</p> <p>hospital 49:9 54:2, 6,11,17 56:3,16 57:21 60:6,7 65:23 67:1 68:10 79:24 81:5 90:5 93:4 94:8 97:14 101:11,15 106:8,9 114:13 116:19 121:5 122:7 124:1 134:1,3,9,12, 17,20,25 135:9,23 136:5,21 137:3,6,9, 12,14,17 138:19 139:19 141:12 151:8,16 152:8,13 155:22 156:4 158:18,19 162:9,18</p> <p>hospitalization 49:1,11</p> <p>hospitals 152:2</p> <p>hot 99:25 100:5</p>
---	--	---	---	---

hour 122:18	4,10 61:18	instinct 92:8	24 130:3,20,23,24	136:19 142:1
hours 30:2,4 57:1 94:8 143:2	important 6:25 7:3,6 75:20 123:2 124:15	instruct 36:8	131:1,3,9,13,24 134:5,24 135:4,8,21 141:7,13,17,23 142:6,10,12,15,23 143:1 144:24 157:6, 7	knee 57:14,23,25 58:20 62:11 78:21, 23
house 38:6,7 90:17 139:4,11,13,16,21 150:15 156:22	impossible 160:8	insurance 83:20, 21,22	interpreter's 15:13	kneecap 58:22
houses 22:17 27:15,18 29:25	improper 21:3 71:14	interested 58:5 137:10,13	interpreters 4:5 13:5 76:13	knew 31:3 99:7 113:16,18 158:15, 24,25 159:4
huge 117:24	in's 37:2	interpret 74:24 102:25 129:1	interpreting 74:21 94:7 129:21 130:25	knowing 40:19 41:2 80:8,24 128:20 130:4
huh-uh 66:2 87:20 137:9	in-depth 48:5 76:19	interpretation 15:16 131:6	interprets 141:25	knowledge 74:13 154:1,3
hung 17:23	in-person 49:24 51:2,6,12 64:19 104:15 106:14,17, 19	interpreted 5:8 21:1,15 99:18 128:24	Intouch 41:5,8,17, 20 42:25 43:3,5,10, 18,20	knowledgeable 77:4
hurt 57:14,25 58:10 59:8 67:14 76:5,18 79:21 80:19 98:14, 20	inappropriate 77:9	interpreter 9:6 10:23 12:15 15:13 18:19,21,23 22:11 30:18 35:20,22 36:16 41:9 43:7 46:3 47:25 48:25 49:2,13,15,20,22,25 51:3,4,6,8,12,16 52:19 53:6,9,11 55:3,16 56:8,24,25 57:5 59:14,18,19 60:14,19 62:16,21, 23 63:4,6,14,17,21 64:4,9,13,19 65:16, 18,24 66:5 67:17,25 70:4,9 72:8 73:22 74:18,20,21 75:2,3, 5,7,13,21 76:15 77:14,22 78:1,2,6,9, 18 80:4,5 81:24 86:23,24 88:16 89:3,25 90:8,9,12 92:16,19,20,24,25 93:5,6,22 94:6,9,15, 24 95:17,24,25 96:13,16,17 99:18 101:12,16 102:24 104:15,17,22 105:13,19,22 106:6, 10,12,15,16,17,19 107:2,3,21 108:16 109:5 110:19 112:3, 25 114:21,25 115:12,21,24 116:7, 16,21 120:1 122:5, 9,13,15,22 123:2,7, 11,14,17,25 124:7 125:24 126:1,8,14, 22 127:10,15,19,21 128:5,8,13,16,22,23 129:3,14,15,18,20,	involved 22:16	Knoxville 4:7
hurting 99:7 117:14	include 45:8		involving 45:1	Kohl's 62:5
hurts 67:13 76:9 149:7	income 146:8 147:4		issue 42:6 115:21	
husband 152:19	Incomplete 74:11		items 62:7,8	L
husband's 153:3	increased 117:25 118:1		J	L-E-I-G-H-A 23:11
hypothetical 74:11	indicating 58:21 85:5 122:2		jail 9:17	labels 47:12
I	indicator 119:2		Jeffrey 4:8,12 153:12	ladder 149:1
ibu 59:3,8	individual 84:4 154:3		job 13:16,17 17:20 18:1,18 19:6 20:11 29:3 32:6,11 77:5 145:24 146:3,23	lagged 116:6
ice 59:4 81:10	individually 65:12 84:4		jobs 27:7 29:5 146:4,9	language 14:15, 16,24 15:11,19 16:21 22:1,4 30:14, 19 31:14 33:22 41:21 42:18 47:14 76:1 96:2 113:9,11 125:3
ID 116:10	information 8:24 49:23 72:5 73:19 74:4,15 75:4,6 85:9, 11 87:3 108:22 124:6 133:17 156:2		Joe 153:5	large 4:9 133:21 152:7
idea 11:18 47:21 63:13 65:14 75:18 76:2 77:12,15 78:8 87:4 89:21 90:2 110:21 111:21 113:2,13 133:7	informed 140:17		Johnson 10:5 38:19 90:17	late 93:1
identified 70:13,15 71:25 99:1 153:21	initial 153:19,22		Judge 5:13	lawn 29:21 150:18
identifies 22:10	initials 110:12		Junk 42:15	lawsuit 7:13,19,24
identify 21:24	injection 100:8		K	lawyer 71:14
ignore 42:15	injury 57:23 62:11, 12 78:17		K-O-H-L-S 62:5	lawyers 40:3
immediately 95:21 142:8	inquire 9:2		kid 11:17	learned 46:13
impaired 93:22	inside 20:14		kids 29:2	lease 37:1,2,6,14, 24 38:1,11,16,22 39:1,3
implant 24:20 25:2,	instance 4:23 33:22		kind 13:17 17:10 29:6 48:5,17 68:23 90:25 132:22	leased 38:10
				leasing 38:19

leave 123:21	list 91:18,19 121:22	92:2,11,16,22 93:3 95:8 96:11,18 97:11 103:8 104:21 105:1, 4 106:1 151:11,17	mask 109:17	mess 19:25
leaving 13:13 19:20 23:5 138:15	listed 153:23		masks 109:20	message 33:25
left 18:17 53:18,21, 22 78:13,15 79:24 80:8,24 81:5,18 91:8 109:19 133:24 135:11 137:16 138:6,10 139:19 142:15,22 150:25 156:4	listening 98:21		materials 155:21	messaging 15:4
leg 10:12 44:9,10, 12,20 45:3 48:13 51:22 53:18 58:17, 20 62:11 65:4,8,15 67:12,14 76:5,9 77:2 78:15,25 79:25 80:9,25 81:4,16 91:11 96:15 100:24 101:6,7 109:3,25 110:24 111:9 112:21 113:15 117:3,6 121:24 125:17 132:12 134:22 136:1 137:15 139:25 143:6,18,22 144:12, 18 145:4,5 148:8,21 149:16,20 150:2,13, 25 151:22 158:2	live 10:4,7 23:3,7 24:2 28:11 34:20,23 37:11 38:4,18 48:25 49:13,15,19,21 51:8,16 52:19 53:5, 9,11 73:22 74:17 77:22 96:3,13 106:18 114:21 115:24 116:15,21 120:1 122:15,22 126:8,22 127:10 130:2 134:5 141:7, 17 142:5,12,15 150:22 156:15,16	love 138:25	meaning 35:23 88:21 131:19	messed 19:24
	lived 10:22 39:4	lower 51:22 85:14	means 6:20 35:10, 14 36:20 63:7 70:10 87:23 93:10 118:10	met 6:8 26:9 106:3
	living 10:10	lunch 5:22	meant 36:2 39:10, 14 118:9	Mexican 152:25
	lodge 36:6	lung 47:16	mechanic 29:15, 17	microphone 43:8
	long 9:13 13:8 19:6 22:18 25:4 27:20 28:2,11 34:3,7 39:2 46:18,23 60:4 67:1, 2,5,9,10,12,13 68:13 95:18 144:11 145:8,10 151:10	Lyon 6:11	media 160:10	middle 18:3,4 88:10 108:20
	longer 135:19,22	machine 4:12 63:1, 3 114:17 116:7	medical 50:3 53:6 54:2 55:18 66:21 68:6,8 77:3,7 152:4, 8 153:24 158:16	mind 128:25
legal 8:2,6,7 35:1	look-see 135:2	made 19:3 55:11 90:12 146:17 147:4 148:1 161:23 162:2	Medicare 83:21 88:5 145:6,8	mine 85:16 152:20
legs 47:18	looked 119:2 140:1 158:22,24	mail 42:15	medication 59:4,9 76:21,23 77:10,11 81:8 83:21 90:22,24 91:15 102:22 103:11,21 105:10, 15 108:24 117:15, 20,24 120:18 121:20 132:4,7 149:10,13 162:17	minor 51:9
Leigha 23:11,12,18 24:17	losing 146:7	maintain 159:6,10	medications 104:1 156:6 162:8	minutes 6:9 82:6 94:18
Leigha's 24:1	loss 22:2 24:13,14 111:21	maintained 156:12 160:6 161:9,13	medicine 77:8,19 81:22 82:1,2 158:21	miscommunication 76:3
Lenoir 24:5 50:25 56:5 66:10,23 91:4, 6 97:14 106:8 151:9	lost 36:5 58:11 73:15 108:3	make 7:7 20:24 31:19 41:15 50:7 52:24 53:20,22 56:13 103:11 114:19,20 123:6 128:6 129:11 130:11 132:10 147:12	meet 26:6 154:7	missed 10:25 49:23
level 118:3,16,20, 25 119:5 120:5 123:23 124:5 126:18 127:5,22 128:11 147:4	lot 15:7,8 46:19,21 50:7 55:11 59:24 60:12 62:18 90:25 103:21 105:22 120:11 133:13 148:23	man 115:3	meeting 134:15 136:11	mistake 20:3 90:13
license 9:24	loud 33:11 61:24, 25	manufacturing 19:14	meetings 30:17	mistakes 55:11
life 31:3	Loudon 9:23 27:25 93:3	mark 83:2 85:16,21 93:14 95:3	member 55:25 56:22 71:6 87:2	misunderstandin gs 133:13
light 162:16	Loudoun 54:9,11 55:24 56:4,21 59:11 60:2,4,6 66:18,21	marked 69:3 83:4 88:3,4 95:4 96:25 99:14 101:18 110:7 114:8 154:16,19,21, 24	members 86:21 108:15	mom 11:12 132:22, 24 133:4 160:2
limitation 147:20, 21,22		marking 94:4	memory 14:3 65:25 103:23 112:12 162:3,8,18	mom's 152:19,21 153:2
lips 119:22 133:9, 11,12		marks 85:22 86:3	memos 161:9	moment 59:13 122:6 150:6
		married 23:12,13	mention 48:12	momentarily 116:6
			mentioned 53:7	momma 153:8
				momma's 152:24
				money 27:9
				month 138:4 147:15,18,23,24
				monthly 147:21
				months 28:19 51:17 53:12,16 138:3,13,14,15 145:4
				morning 6:8 109:1
				mother 23:4,8 25:11 152:14,19

motorcycle 151:4	noticed 47:12 121:6,7	objections 4:19 36:7 72:17	originally 10:17	paper 68:15,16 81:10 88:22,23 91:13,14 93:16 100:13 102:17 104:4,5 121:22 123:12
motorcycles 151:5	November 135:14, 15,16 138:12	observation 121:3	out's 37:2	papers 84:18 102:6 104:8,13
move 11:19 13:15	number 6:18 7:3,6 40:15 84:21 85:23 86:6,8,11,13,15,20 87:2,6 114:5 116:10 118:2 119:3	observe 89:5,14	overview 22:5	paperwork 156:3, 12
moved 11:3,7,8,12, 15,22,23 13:14 22:25 28:6,19,23 50:13	numbers 85:9,24 86:12 118:7	occasion 40:17 50:10 53:7 77:8 116:5,18 124:18 133:1	overwhelmed 81:16	parents 24:1
moving 11:10 23:1	nurse 62:21 64:2,3 71:5 84:17 98:21 102:5 106:9,24 109:10,11,13,16 110:2,3,4 115:3,5,7, 12 116:10 117:14 119:1,9,14 120:4,8, 9 122:10 123:1 124:16 128:7,13 129:13 136:15,18, 19 139:20 140:5,15 155:25 157:16 158:3	occasions 51:15 55:7,23 56:20 120:17 123:8	owned 29:20	Parkwest 6:11 8:22 9:5 39:23 40:1 52:9,12 54:8,10 57:19,21,23 58:2,7 59:9 60:1,3,5,7,12, 15 62:10,13 64:16 66:13,22,25 68:4,7, 13 72:5,6 73:21 74:17 75:3 77:21 78:16 79:4 80:8,24 91:5 92:11,13 93:2, 4,9 95:10 101:9 103:7 104:14,21,25 105:2,4,5,6 106:1,6, 9,11 107:13 108:12 112:7 116:1 117:7 124:1,6 126:21 127:9 128:11 131:17 132:1,19 133:24 134:25 135:6,11 136:2,4,6 138:6,10 140:16,18 151:13,18,21,25 152:5,15,17 154:12 157:25 159:1,23 160:11 161:4,14
mow 150:18	nurses 68:19 102:14,15 108:2 119:10 120:6,10 122:17,18 126:21 128:4 130:3 131:17	occurred 58:8,13 81:13	owner 29:19	part 11:2 16:20 45:1,4 70:14 111:21 150:12
mowers 29:22	nursing 127:8	October 23:13 44:11,14,18,19,21, 23,25 51:23,25 52:9 54:3,5 56:9,10,14, 20 57:14,15,16,17, 19,20,24 69:8,9 95:9 104:24,25 105:7 108:13,14 109:6,24 114:13,14 117:7,8 132:19 133:23 134:2 135:13,14,15 136:7, 8 137:4 138:6,7,11 140:10 145:11 151:14,15,18 154:13 158:18 159:8,23,24 160:11, 12 161:4,24 162:9, 10,19,20	P	part-time 29:13 148:4,5
multiple 24:24	oath 6:19	offered 64:15	P-E-I 10:14 60:25	parts 20:13,14 47:2 97:4
mumbling 88:16	object 36:3,21 71:14 88:24	office 141:8 142:3	P-O-L-L-O-C-K 107:4	pass 13:23,25 14:5 17:3
N	objecting 72:23	offices 4:6	p.m. 82:7,8 95:5,6 144:5,6 153:16,17 154:9,10 163:1	passed 14:2,4,7,9 17:5
names 23:22 65:14,16 153:10	objection 36:10 37:8,17 39:15 40:7 46:8 47:3,19 64:22 70:2 72:10,11 73:10,24 74:1,19 75:14 76:6 77:23 80:2 103:17 104:10 112:2,8,13,22 113:7 115:13 116:22 124:9,10 125:22 126:11,23 127:11 133:18 143:9 146:18 162:12	oldest 23:23	pack 47:10 99:9 137:24	past 23:15 39:25
naming 71:19	objectionable 73:1	on-site 94:9,15,24	packages 47:13	patch 137:7,8
nature 49:4		online 26:19,21	pad 41:21	patient 97:6 124:24
needed 14:24 29:2 41:16 55:16 62:16, 20,23 63:12,13 64:19 71:3 95:17 102:16 114:25 116:20,25 126:2 141:9		opened 116:9	pages 82:12,23 85:1 86:1 154:14 155:16,18 156:7,9 161:19,21	
needing 123:1		opinion 92:13	pain 59:4,24 62:9, 14,15,18 63:9,19 65:3 67:13,14,22 75:16 76:19 77:11 78:22,24 79:5 81:19,21 82:3 91:1 92:4,23 98:13 105:10 117:4,6,11, 12,13,16,21,25 118:3,5,10,11,12, 16,20,25 119:5,8,15 120:5,11,13,18,20, 21,22,23 121:1,15 123:15,16,22 124:5 126:15,19 127:6,22 128:11 132:4,5,11 149:10,12 158:2,4, 6,21 162:7,17	paint 29:22 32:21
negative 151:2		opposed 56:1,23 60:2 92:11	painful 81:19 149:6	
negotiate 34:12		options 123:13	painkiller 63:8 82:1 117:24 136:10	
news 16:2		order 5:13 32:8	painkillers 63:5 121:21	
newspaper 15:25 16:1		organizational 31:23	paint 29:22 32:21	
nice 30:5		organizing 156:10		
nickname 153:5				
nodding 76:1				
nonspecific 37:22				
normal 6:17				
North 11:8,11,15 12:19,24				
Notary 4:9,13				
notes 4:15 159:7 161:9,13,23 162:3				

<p>125:17</p> <p>pawn 29:9,16,19</p> <p>pay 148:5</p> <p>paying 89:16 102:1</p> <p>payment 83:19</p> <p>payments 83:22</p> <p>pedals 151:1</p> <p>Pei 34:14 60:25 66:7,9,12,23 132:21 134:13</p> <p>pending 59:17</p> <p>people 21:10,24,25 32:8 41:23 46:19,21 60:12,13 69:25 70:16 153:21 160:13,14</p> <p>percent 143:18,19, 21</p> <p>perfect 104:3</p> <p>perform 125:20 148:20</p> <p>performed 18:14 125:21 148:7</p> <p>period 10:9 112:12 116:8 138:1,5,9 160:20 161:3</p> <p>periodically 149:17</p> <p>person 22:10 31:23 41:16 42:7,16,23 43:2,8,11,17 44:4 77:4 86:11 133:6 142:20,22 158:23</p> <p>personal 74:13 160:23 161:14</p> <p>personally 72:13 74:14 106:5</p> <p>phone 20:13,14,15 41:4,8,25 42:24 43:1 70:22</p> <p>phraseology 115:16</p> <p>physical 134:16 135:18 136:12,15, 20 139:7,15</p> <p>physician 48:11</p>	<p>50:14 52:12,14,16 55:15 59:11 91:17 92:1 140:19,21 141:4,22 157:23 159:3</p> <p>pick 60:1</p> <p>picture 118:4</p> <p>pictures 15:8 113:25 114:4</p> <p>piece 43:7 100:13</p> <p>Pinterest 160:10</p> <p>pipes 32:22</p> <p>place 37:11 77:17 97:9 135:7</p> <p>plaintiff 153:25 154:1</p> <p>plaintiff's 153:18</p> <p>plans 151:24</p> <p>Plaza 4:7</p> <p>point 29:8 31:18,19 48:10 81:12 94:23 109:16 123:13 128:10</p> <p>pointed 98:20 118:5 119:1</p> <p>pointing 30:19 82:22 84:18 88:12 102:6</p> <p>Pollock 107:1,15 109:3 125:11,13 126:5,10,21 127:8 128:2 134:25 136:8 155:20 158:1</p> <p>Pond 150:8</p> <p>population 13:3</p> <p>portion 11:1 73:7 85:14,15 129:8</p> <p>post 160:9</p> <p>posted 161:6</p> <p>posts 160:15,19, 22,25</p> <p>practice 50:24 144:15,19</p> <p>practiced 48:21</p> <p>practicing 72:6</p>	<p>73:20 74:16</p> <p>pray 160:14 161:7</p> <p>pre-op 109:9,12, 19,20 113:18</p> <p>prefer 42:18 49:24 96:13 152:2,4</p> <p>preference 55:25 93:14</p> <p>preferred 56:22</p> <p>prepare 32:19</p> <p>prepared 54:17</p> <p>prescribed 90:23</p> <p>present 64:13 72:9 73:23 74:18 75:13 76:16 77:22 106:21 107:1 124:8 126:9 130:23 133:2 134:5 141:7,14,17 157:4, 8,10</p> <p>pressure 122:25 123:18,20</p> <p>pretty 127:3</p> <p>previous 48:1</p> <p>price 62:7</p> <p>primarily 22:3</p> <p>primary 14:15 48:11 50:14 52:5, 10,14,15 55:15 91:17 92:1,5 135:1 140:19,21 141:4,21 157:23 158:5 159:2, 3</p> <p>print 159:18</p> <p>printed 85:6,7</p> <p>prior 44:11,19,24 54:3 148:21</p> <p>private 59:13</p> <p>privileged 5:4</p> <p>problem 44:9 45:7 49:4 50:3,4 52:3 78:13 97:16,17,21, 24 98:15,17,18 99:1 149:14</p> <p>problematic 37:20</p> <p>problems 44:3,12, 20 45:1,6,7,12</p>	<p>procedure 4:4 109:24 112:1 143:6, 10,13</p> <p>procedures 49:7 121:24</p> <p>proceedings 5:1 163:1</p> <p>process 50:6</p> <p>Produce 159:15</p> <p>Professional 4:8, 13</p> <p>prosthetic 143:23 144:9,12 145:4,5</p> <p>protocols 7:2</p> <p>provide 51:2 59:15,19 64:2,4 70:25 135:7</p> <p>provided 44:3 51:5 68:19,20 92:18 99:1 153:24 156:1</p> <p>provider 56:1 123:16</p> <p>providers 56:23 65:12 122:13</p> <p>public 4:9,13 17:2, 4</p> <p>purchase 34:25</p> <p>purpose 20:4</p> <p>pursuant 4:3</p> <p>put 20:14 45:19 48:24 71:4 84:2 85:10 88:7 94:11,13 100:10 101:14 109:3 118:2 121:11, 24,25 124:22</p> <p>puts 62:7</p> <p>putting 71:8</p>	<p>17,20 70:5,12 71:13 72:14,25 73:4,6,14, 17 74:25 79:14 80:5,22 86:25 99:19 102:25 114:1 119:4 120:3 124:4 127:1,4 128:24 129:7,20 130:10,24 151:20 161:12</p> <p>questions 4:20 40:3 71:11,15 154:12</p> <p>Quick 141:12</p> <p>quicker 60:5,8</p> <p>quickly 104:6</p> <p>quit 20:15 48:8,18 138:9</p> <p>quotes 111:25</p>
<hr/> <p style="text-align: center;">R</p> <hr/>				
<p>read 14:18,20,21 15:2,10,18,20,21,25 16:1 18:25 35:16 42:22 73:3,6,8 83:14 88:15 99:15, 19,24 100:4 110:13, 16 113:4,5 119:22 129:7,9 133:9,11,12</p> <p>ready 27:19 96:9 142:7</p> <p>real 114:25</p> <p>realtor 32:18</p> <p>Realty 27:15 32:14</p> <p>reason 8:10,15 11:10 13:13 19:19 23:1,5 26:1 43:16 70:14 71:22 77:18 91:25 92:10 101:24 150:3 158:16</p> <p>reasons 71:20,24</p> <p>recall 64:12 65:9, 11 86:17 91:17 93:23 95:15 102:8 107:17 121:23 139:2</p> <p>receive 18:12 45:17 72:7 73:22 77:7 139:18 147:5</p>				
<hr/> <p style="text-align: center;">Q</p> <hr/>				
<p>qualified 94:5,9</p> <p>qualify 145:6</p> <p>question 7:4,7,9, 11 11:5 15:15 33:2 36:15 37:13 40:5 48:1,2 56:17 59:15,</p>				

155:12 156:3,7 received 17:16 72:8 77:19,20 120:18 128:21 130:5 132:2,4 146:16 156:7 receiving 50:4 75:12 145:13 recently 21:9 52:21 151:16 recognize 114:9 154:25 recommended 48:7 92:25 record 5:5 7:2 21:13 30:8,9 36:7 57:10,11 65:23 68:22,23 69:4 82:7, 8 95:5,6 119:6 144:5,6 153:16,17 154:9,10 records 68:6,8,10, 15,17 86:20 153:24 referred 21:10 referring 52:12 68:9 reflect 118:24 reflecting 119:7 refusal 103:1 refused 64:4 102:20 103:4,6 108:16 regard 18:13 118:25 119:7 161:8 Registered 4:8,13 regularly 42:13 rehab 136:22 144:15 rehabilitation 144:21,22 relate 161:2,3 related 39:23 149:20 relation 44:8 release 102:22 156:5	released 133:25 134:3 136:13 158:17,19 rely 70:24 remember 11:16 12:20 19:11 23:15 24:6 25:5 26:22 58:1 59:23 64:6,7,8, 14,24,25 65:1 66:2, 9 67:8,9 81:17 84:17 86:9,17,18,19 89:8 90:4,25 91:4, 15,18,23,24 94:2,4 96:20,22 100:10,11, 15,16,25 102:2,5 103:9,12,16 104:1, 12 105:9,11 107:6, 14,16,18 108:21,23, 24 109:4 111:13,14, 15,18,20,23 112:10, 16 114:24 115:3,4, 16,17,18,22,23 117:10,16 119:17, 18 120:6 122:3 125:12 126:6 132:6 133:5 134:1,4,8,15, 19,21 135:18 136:11,15,17,20 139:5,7 144:13,14 156:6,8 158:3,6 remodeling 27:18 remote 49:2,20 remove 143:6 renting 38:5 repeat 80:5,21 133:14 repeated 24:24 repeatedly 109:11 110:1 133:14 repeats 133:16 repetitive 50:7 rephrase 70:12 72:25 report 31:22 32:3 reported 31:25 reporter 4:8,13 6:23 73:3,9 114:7 129:10 represent 69:7	request 4:3 92:16 94:5 106:5 159:15 requested 51:1 73:7 129:8 159:14 requests 114:20, 21 require 29:17 required 123:7 requires 18:1 reserved 4:20 response 49:21 72:19 responsibility 156:13,14 rest 85:7,18 119:19 restate 70:5 results 99:21 returned 121:4 review 35:9 37:6, 14 83:17 reviewed 68:16,21 155:18 rights 88:5 93:21 Robbie 34:17 rode 90:7 romance 15:22 roof 149:3 room 62:19 63:5,23 70:19 79:10,11,12 84:14 92:7 116:20 129:16 142:18,22, 24,25 143:2 rotating 132:23 rotations 142:20 roughly 144:16 routine 123:4 ROZYNSKI 5:2,16, 20 6:1 17:21 20:24 21:4,7,12,23 22:9 30:5 36:3,6,14,21 37:8,17,21,25 39:15 40:7 46:8 47:3,19 57:6 64:22 70:2,8 72:10,13 73:2,10,24	74:3,10,19 75:14 76:6 77:23,25 80:2 82:12,18,25 94:17 97:19 103:17 104:10 108:19 112:2,8,13,22,24 113:7 115:13 116:22 124:9,12 125:22 126:11,23 127:11 133:18 146:18 154:5 162:12,24 rule 147:14 Rules 4:4 Rusk 4:8,12 <hr/> S <hr/> SAITH 162:25 sake 61:13 sale 32:19 34:12 salesman 35:17,19 Sanders 54:20 55:24 56:21 59:11 60:2,4 92:15 satisfied 116:24 scale 118:5 147:10 scan 63:2 98:23 schedule 70:20 132:23 school 11:25 12:2, 4,7,8,9 13:1 16:13, 15,23 17:1,2,4,12 18:3,4,5 26:16,17, 19 schoolbooks 15:5,6 schools 17:8 scores 16:2 SCOTT 4:2,22 scroll 160:17 scrubs 109:18 secondary 14:16 secretary 141:9 Security 86:13 145:16 146:7,16	147:6 sedation 103:10 105:11,17 107:18 112:16 seek 54:2 158:16 self-employed 29:6 sell 27:19 send 89:4 92:7 98:22 106:11 136:9 159:17 sending 95:23 sense 7:8 sensitive 149:6 sentence 34:4 sentences 14:23 119:25 sequencing 58:5 service 41:4,8 43:1 94:7 settings 41:7,10,11 shame 23:14 sharp 117:11 she'll 133:14 sheet 69:8 101:20 156:5 shift 142:19 shook 119:2 shop 17:10 29:9, 17,19 short 20:12 28:9 141:19 short-term 28:10 shorthand 4:12 shout 61:25 show 68:25 85:19 107:7 123:10 showed 63:22 64:10 98:20 118:4 showing 98:13 shut 107:9 side 27:7 29:5 43:2
---	--	---	---	--

62:15 142:16 146:4, 8,23	sit 47:17 111:23 113:4 142:23	126:5	steps 139:3,9,11, 12,13	surfaces 149:1
sign 4:15 14:15,24 22:1,4 31:1,2,7 33:20,21 34:15,25 35:3,8,15,16,18 36:19 37:15 38:14 39:3 40:5,12 41:1, 21 42:18 43:22 55:20 84:2,8,18 89:14,24 94:1,13 102:6,11 113:9,11 125:3 129:3,4 155:13,14,15,16	site 149:6	speaking 5:5 24:25 37:23 43:14	stop 63:10 138:4,5	surgeon 107:5,12, 15,16 125:13
sign-in 69:7	sitting 144:19	special 18:1,12	stopped 19:13 138:2	surgery 45:19 87:21,22 111:16,19 113:17 114:19 125:7,15 127:24 128:8,9,16
signature 69:14,15 84:3,16 85:5,8,10, 13 86:1 87:14 88:6 97:6 101:19 102:7, 16 113:22 155:4,7	situation 39:25 98:12 129:15	specifics 64:7 66:2	storage 29:20	surgical 99:4
signed 8:11,12 36:1 38:16,25 39:8, 12,14 40:18 83:15, 23 84:3,5 85:6 86:7 88:22,23 93:19,25 94:10 97:9 101:22 102:4 104:5 111:15 155:3	situations 41:12, 14	speculation 74:11	storm 104:3	swear 4:14
significant 62:14 92:3,23 117:11 121:15	skilled 77:4	speech 61:23	story 151:4	swelling 59:5
signing 5:6 35:5,13 39:18 40:13,19 43:1,2 76:1 104:9 110:21	skin 158:8,11,13, 15,20	spell 9:10 19:10 107:2	Stovall 50:20,22,24 51:2,12,16 52:2,8, 13,15,20 53:7,9,12	sword 40:9
signs 31:4 52:3 123:5 132:25	skipped 116:13	spelled 20:12	straight 90:14	sworn 4:24
similar 143:6	slash 85:16,22 86:3	spelling 27:24 31:8	strike 94:3 129:24 132:14,16	system 46:16
simple 30:22,23 33:22 34:4 55:19 57:3 119:24 127:4 142:1 157:18 160:25	sleep 91:2 103:11 120:21 142:18	spoke 62:21	struggle 14:12,17	
simultaneously 74:22	slept 120:10	spread 78:24	struggled 13:22 14:23	<hr/> T <hr/>
single 122:23 132:18	slope 150:22	spring 52:14	struggling 131:1	T-A-L-A 23:24
sir 59:20 61:10 64:11 69:11 83:7 88:10 99:16 100:4	slow 50:6	SSDI 148:3	Stsilverdragon88 @gmail.com. 42:12	tables 18:18,22
	slowly 55:10	SSI 146:22 147:17	students 13:4	tags 62:7,8
	small 12:11 60:7 85:17	ST 110:12	studying 26:21,23	tailored 13:1
	smiley 118:6 120:7	staff 72:5 73:20 74:16 75:5 77:21 93:10,15 97:12 103:7,8 112:7,19 116:25 127:9 139:2	stuff 57:3 109:18 162:4	taking 65:16 77:16 121:21 138:18 147:11 162:18
	smoke 48:17 137:2,8,14,16,21,23 138:8,12	stairs 139:6	subsequently 68:21	Tala 26:11 60:21,24 69:17 70:20,24
	smoked 138:14	stand 149:3	substantively 124:4	tale 72:18
	smoker 137:19	standing 5:13 79:6	successful 127:25	talk 5:22 41:16 51:20 59:12 94:6 107:6 117:16 122:9, 10 123:1,15 124:13
	smoking 46:1,6, 14,15,17,20 47:1,8, 18 48:3,5,13,18 99:8,9 137:9 138:2, 9,12,15	start 7:5 29:11	suggested 25:12 135:8	talked 124:20,21, 24 125:16
	social 86:13 145:15 146:7,16 147:6 160:10	started 6:3	suing 7:19	talking 5:2 6:2 12:10 17:9 33:17 41:11,12 43:8 45:3, 4 48:9,10 52:22 53:5,21 54:13 55:5 56:9,11,14 57:2 66:4 67:19 74:23 75:25 79:6,7,22 83:24 88:18 89:6,21 90:18 96:11 103:22 107:7,8 108:2 110:22 112:15 124:15 125:10 127:22 128:7 136:3 144:8 152:16
	son 23:24 26:24 152:20	state 4:9 72:23 125:6	Suite 4:6	
	sort 62:8,20	stay 20:6 108:12 116:1 135:19,22 136:21 142:13 156:19,24,25 157:2	summer 16:14,16, 17 30:3	
	sound 61:22	stayed 10:11 67:9	supervisor 31:22	
	sounds 61:23 111:3	stent 45:19 48:24 99:4,22 100:20,21 107:12 121:11,14, 17,18,25 122:3 132:2	supplemented 159:16	
	speak 24:21,23 44:4 55:10 62:2 116:7 122:15 123:5	step 5:9,10	support 61:8,9	
			supposed 91:16 100:3	
			surface 149:4	

talks 43:8	therapy 128:23 129:4 134:19 135:20 136:16,22, 23 139:4,7,16 144:15,17	125:9 126:4,7 141:16 143:16	50:3 77:20 128:21 129:23 131:16,18, 20,23	18:7 23:16 25:2 33:1 36:24 37:3 39:13,17 40:6,12,25 49:3,7 55:10,21 62:22 71:20,23 72:14 73:13,16 78:7 79:2,16,25 80:13,14 86:14,25 87:22 89:15 93:12 97:21 98:3,7 99:20 102:23 105:21,22 111:1,17 113:11 119:15,23 120:4 125:6 127:3 130:9 131:19 141:20 161:11
tanked 105:14	thereto 4:16	toe 65:6	trouble 13:20 32:4	understanding 18:9 24:23 52:7 78:12,14 91:9 118:8 127:1 147:3
taxes 148:4,5	thing 40:2 128:17 131:21 136:19 142:1 149:4 161:6	toes 65:4	true 48:6,19 80:1 112:11,18 115:21 119:8,10 120:25 148:16	understood 46:6 50:2,8 97:15 98:2 111:11 118:20 119:5,9
teach 16:21 144:17	things 15:21 16:3 24:23 27:19 29:16 30:22 35:15 40:6, 11,16 55:19,21 103:5 122:24 127:25 130:2 144:20 148:23 150:15 157:18 161:1	told 25:1,3 34:15 47:23 48:3,22 76:15 80:18 81:9 89:2 91:13 92:8 93:4 100:23 101:1,5 109:15,16 115:7,11 118:24 126:9 128:1, 2,3,17 129:14,19 136:24 140:1,13,15 141:9 143:11 149:18 157:17 158:4,20 159:1,2	turn 61:25	uneasy 78:9
teacher 16:15	thinking 45:10 67:12	Tomei 4:2,22 6:8 22:10 24:17 69:17 97:1	turns 156:23	uneven 149:1
tech 41:11	thought 59:5,24 81:4 82:13 100:1 129:14	tomorrow 34:3	twelve 144:23 145:2	unfreeze 116:17
technical 44:3 49:22	three-way 43:9	top 99:24	Twitter 160:10	United 27:15
technically 7:23, 24	thrown 91:21	totally 6:5	type 13:10 15:1,21 17:12,20 18:13 22:15 24:12 27:8,16 29:3,16 31:23 35:4 40:11 41:1 54:14 95:14 114:17 126:18 127:5,6 143:23 159:6	University 135:9
technology 54:11, 14,15 64:17	thumbs 31:20 124:22	touch 91:16 123:19 124:22 125:17	types 45:12 75:12 127:25 129:22 144:20	unrelated 9:5
telling 63:20 79:23 84:18 119:7 139:2	tight 69:22	touching 4:17	typewriting 4:15	unsuccessful 143:14
temporary 20:15	time 5:6 9:13,14 10:9 20:12 28:9 29:1 38:9,25 39:2 44:6 46:23 51:11,13 52:22 53:1,2 58:6 60:22 62:11,18 67:6,7,10 69:17 74:22 75:2 80:22 81:5 84:15 86:3 94:23 95:25 101:23, 25 102:2,15 104:18, 20,21 108:3 116:4,8 117:6,7 120:15 122:23 124:2,3 128:10 135:16 137:3,8 138:1,5,8, 10 140:12 142:21 144:13 145:10,21, 24 151:7 154:3 160:20 161:3,7,23 162:1	tracking 38:17	typically 21:25 22:3 44:4 54:4	upper 85:14
ten 25:8	timeline 67:18	trade 17:13,17,18, 22,25 18:4	U	upset 127:17 130:16
Tennessee 4:7,10 9:15 10:19,21 11:4, 9,22,23 22:25 23:2, 4 24:3,4 27:11 28:24,25 34:21 50:13 54:1 135:9	times 24:24 102:10	training 17:17 18:1,13	U-N-I-Q-E 20:12	UT 141:3 142:3,5,13 143:3,5 152:4,8,15 159:4
Tennova 60:9		transcribe 4:15	Uber 28:7 31:16,22, 23 32:1,7,11	V
term 21:5,9,17,21 70:12		transcribed 6:23	UG 32:14,17	V-I-D-A 34:19
terms 61:10		transcript 7:1 73:8 129:9	uh-huh 40:4 84:22 95:13 100:10 106:25 145:12 150:17	vacation 16:17
test 16:7		transferred 105:2	ultrasound 95:20 96:21 98:23	Varlan 5:13
testified 80:23		transferring 101:9	undergo 49:8	verify 32:8
testify 71:12 74:7 96:6		transmission 4:18	understand 7:8, 10,21 8:3 14:21,22, 25 15:9,24 17:23	versus 22:2
testifying 80:7		travel 105:25		Vida 34:19
testimony 7:25 86:5 102:12,18 109:22 113:12 115:25 121:13		Travis 23:24		video 41:4,8 42:24,
text 15:3,4 33:24 34:2 160:1		treatment 45:17		
textbooks 14:19 15:1,4				
texts 159:22,25 160:8				
therapist 134:16, 21 135:19,25 136:12,18,21				

<p>25 49:2,20 64:17 107:8</p> <p>visit 57:23 64:20,21 65:10,18 66:13,21, 22,25 68:6,11 72:7 73:21 74:17 78:16, 22 79:2 80:7,25 81:13 90:6,19 91:9 104:25 105:3,6 132:22 141:19,21 152:12 157:3,5,11</p> <p>visited 153:11</p> <p>visiting 136:19</p> <p>vital 123:5</p> <p>vitals 123:9,18</p> <p>vocational 17:7</p> <p>VRI 49:5,13,14,22 50:5,11,23 51:4,10, 14 52:23 54:24 55:15 56:2,23 64:6, 15,16,25 93:6 94:6, 15,23 95:14 96:7,9, 12 106:13,14,15,18, 21 108:23 109:9,10, 23 114:11,12 115:1, 2,23 116:2,7 119:25 120:2 134:8</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wait 7:4 56:25 57:4 60:4 95:19 135:4 143:24</p> <p>waited 62:24 64:10 95:17,18 115:1</p> <p>waiting 63:20 65:15 67:5</p> <p>waitress 26:15</p> <p>waived 4:18 9:20</p> <p>wake 120:21,25</p> <p>walk 124:23 144:17 149:1</p> <p>walked 67:6,7 141:10</p> <p>walker 144:18</p> <p>walking 58:11,14, 15,16 144:19</p>	<p>wall 118:5</p> <p>wanted 21:10,17 23:3,7 51:20 53:20 75:16,19 81:23 92:12 98:2,8 117:19 130:2 131:16</p> <p>wanting 67:23 128:9 129:15 147:1</p> <p>warn 46:1</p> <p>warned 158:10</p> <p>warning 47:12</p> <p>watch 16:1</p> <p>watching 122:11</p> <p>water 29:24 32:22</p> <p>ways 44:1</p> <p>wear 24:19</p> <p>weather 149:7,8</p> <p>week 30:2</p> <p>weeks 144:16,23 145:2</p> <p>wide 22:5</p> <p>wife 26:6 98:17 105:18,24 106:7</p> <p>wished 81:24</p> <p>woman 84:2 115:4</p> <p>woman's 85:12</p> <p>wood 17:10</p> <p>word 17:24 21:11 101:1</p> <p>words 14:23 30:23 33:23 133:21</p> <p>work 19:6 20:9 22:18 25:13,21 27:3,8,12,14,16 28:2,4,6,10 29:6,8 30:2 42:4 76:20 109:23 119:25 146:4 147:7,12 148:5,6 150:7,10</p> <p>worked 20:11,16 25:18,19,24 27:13 29:21 30:24 31:16, 21 32:14 98:14 116:2</p> <p>workers 31:11</p>	<p>working 25:20 26:2,12,24 29:11 43:19,23,24 58:13 81:22 125:8 146:23 150:9</p> <p>worried 158:12</p> <p>worse 67:23 68:1,4 120:16 121:18,19 158:2</p> <p>Wow 59:7</p> <p>wreck 139:1</p> <p>write 16:16 33:22 85:9,22 86:2 87:16 88:7 97:8 101:21,22 119:24 155:11 161:18</p> <p>writing 18:25 30:16,21 31:6 85:3, 15,23 111:14 161:17</p> <p>written 16:4,9 86:6 111:24 118:23 159:7</p> <p>wrong 70:6 71:7,18 75:18,23,24 81:4</p> <p>wrote 15:12,14 118:22 119:6 157:18</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p>X's 93:24,25 94:11, 12</p> <p>x-ray 62:25 95:20 96:21 98:22</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yard 58:15</p> <p>year 13:9 28:3 46:20 52:14,15 146:17,20 147:16 148:1</p> <p>years 10:10,11 16:24 19:8 22:21,22 25:6,8 27:21 28:13, 14,19,21 34:8 47:8 64:25 99:9 103:22 160:7</p>	<p>Young 5:11,18,21 6:4,7,9 11:6 12:23 15:18 17:25 18:20, 22,24 19:1 21:2,6,8, 19 22:7,14 30:7,10 36:18 37:5,13,19,24 38:2,4 39:19 40:8 41:13,17 46:11 47:7,22 48:6 56:19 57:8,12 59:16,21 60:23 63:16 65:2 67:21 68:5 69:1,6 70:6,11,13 72:11,16 73:5,13 74:1,6,12 75:1,9,22 76:11 77:24 78:3 80:6 82:5,9,13,19 83:1,5 87:1 88:1,9,20 90:14 93:8 94:20,22 95:1,7 96:19,23 97:1,20 99:12,15,24 101:19 103:2,4,20 104:11,19,24 107:4, 11 109:1,7,22 110:10,22 111:7 112:6,11,18,23 113:3,8 114:5,9 115:19 117:3 123:22 124:11,17 126:4,16 127:2,16 129:2,6,17,22 131:8,12,15 133:23 135:10,23 136:3 144:3,7 146:19 153:14,18 154:6,11, 17,20,22,25 157:9 162:14,23</p>
---	--	---	--